

**COSPE**  
**NATIONAL FOCAL POINT - ITALY**

Combating ethnic and racial  
discrimination and promoting equality:  
Trends and developments 2000 – 2005



**COSPE - Cooperazione per lo Sviluppo dei Paesi Emergenti**

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## 1. Executive summary

Analysis of discrimination based on racial, ethnic or national origin in the employment sector remains one of the most closely linked to immigration in public and academic discourse at national level. A peculiarity of this linkage is that it does not just identified and analyse the specific ways in which migrants, refugees and asylum seekers are among the frontline victims of discrimination in the employment sector. Rather, it identifies immigration policies as the source of discrimination in the sector. This is essentially the dominant theme of the chapter on trends and developments in employment as regards discrimination.

Characteristics of the Italian labour market in the reference period are analysed to show how policy induced labour market reforms leading to increased precarious and temporary employment have put migrant workers at greater disadvantage. In particular, transformations of the labour market and workforce are analysed alongside the provisions of the Immigration Act of 2002 and the effects of this legislation on migrants. The report argues that inclusion of migrants in the labour market is characterised by precariousness due to its temporary duration and by being predominantly employed in unskilled and low-wage jobs, besides having little or no prospects of upward or horizontal mobility. The combined effects of these two dimensions include the confinement of certain groups to jobs in certain sectors of the economy and the difficulty of breaking out of such a sector. The same dynamics is shown to apply to immigrant owned enterprises, defined as consequences of outsourcing rather than emancipation from situations of discrimination.

Lack of systematically collected data is highlighted as a major obstacle to identifying clear trends with regard to the extent of the phenomenon throughout the reference period. All the same, knowledge of the peculiarities of discrimination in the employment sector improved during the period thanks to research findings such as the discrimination testing research carried out in 2003 which provided research evidence that migrants face discrimination in employment on grounds of their nationality and/or ethnic origin. This type of information will be supplemented in the future with data collected by the national equality body which became operative early in 2005.

The housing sector is certainly one of the most affected by discrimination and one where immigrants the greatest difficulties. At the same time, public policy in the sector remains one of the most inclusive. Housing-related measures targeting migrants and minorities are defined by local authorities, following priorities and objectives defined by the national government within the framework of the National Action Plans against Poverty and Social Exclusion. The Immigration Act of 1998 provides for the principle of equal treatment between Italians and legally resident non-EU citizens in access to public housing and prohibits discrimination in the access to public and private housing,

specifying that to impose less favourable conditions or to refuse to grant access to housing to a legally resident foreigner on the grounds of his/her being a foreigner or of belonging to a particular “race”, religion, ethnic group or nationality constitutes an unlawful discriminatory act.

The housing sector is characterised by a high percentage of direct ownership of homes by individuals (72.8 percent of families against 18.7 percent on rent) and a low percentage of publicly owned social housing and policies are usually geared to support such characteristics. While most migrants live in rented houses (75.8 percent), some local research findings during the reference period show that the percentage of home owners among migrants is constantly on the increase. These notwithstanding, extreme overcrowding is reported to affects 6.5 per cent of immigrants and the percentage of foreigners living in cohabitation is three times the percentage of Italians in similar situations and the percentage of foreigners living in precarious and uncomfortable accommodation is 10 times that of Italians in same condition.

The Government Commission of enquiry on social exclusion estimated in 2001, that there were 17,000 homeless people in Italy, 45 percent of whom were immigrants.

From 2000 to 2005, strong evidence of discrimination in access to housing in both the public and private sectors emerged, leading to some important case laws. Some of the most common modalities of discriminating immigrants in the sector include advertising apartments for rent with the specification that “not for non-EU citizens”, imposing rents that are disproportionate to the conditions of the houses, offering to immigrants accommodations that are out of the market because considered as not fit to be offered to Italians etc.

During the reference period, a number of innovative projects were successfully carried out at local level in order to help immigrants rent or buy houses. Major strategies and initiatives aim at bringing demand and supply closer, increasing the offer of both temporary and permanent accommodation for low-income segments of the population, and providing intermediate solutions capable of facilitating the transition from reception centres to individual homes. In order to achieve these objectives, local initiatives have focused attention on the private sector, trying to mobilise supply, undertaking mediation activities, offering guarantees to landlords and economic support for low-income families.

Prior to the adoption of Council Directive 2000/43/EC, the Italian judicial system already had both criminal as well as civil and administrative procedures for countering various aspects of racial discrimination. These procedures underwent changes during the reference period: the legal procedures under criminal law against incitement to racial hatred, discrimination and violence were recently modified, making them more lenient by reducing the maximum length of imprisonment for breaching them from three years to eighteen months and it has also been made possible for the presiding judge to substitute this new maximum jail term with a fine. Civil and administrative procedures that can be used to counter discrimination have being changed following the transposition of the equal treatment directive and such changes are improvements on the previous provisions, unlike the modifications to the criminal law provisions.

The effects of the legislation deriving from the transposition of the directive is yet to be felt, particularly in the area of availability of legal assistance to victims of discrimination. The national equality body that has been operative for only a year did not offer legal assistance to any of the victims it received complaints from during this first year of activity while on the contrary, the only two existing provincial anti-discrimination centres have provided such assistance on a number of cases considered to strategic. The transposition has also improved on the situation in other aspects such as the introduction of the definition of racial harassment, the setting up of the national equality body, allowing NGOs and associations to stand in litigation on behalf of a victim etc. These changes have clearly been EU driven while as regards case laws, national legislation not connected to the directive have so far prevailed.

Similar to what we have seen for employment, discussions on discrimination in education is often overshadowed by public discourse on integration of pupils of immigrant origin into the educational system, with particular focus on teaching them Italian as a additional language. On a different note and similar to the situation in the housing sector, public policies in the sector are quite inclusive while their implementation has failed to attained the policy-stated goals. Evidence of discrimination in schools remain largely anecdotal due to the lack of systematic collected data. Some indirect evidence can be drawn from surveys of teachers and school heads of aspects of integration of pupils of immigrant origin. One such survey by the Ministry of Education, University and Research found in 2001 that 80 per cent school heads interviewed was very positive about the chances of integration of non-EU Europeans and 69.4 per cent was positive about the chances of pupils of North African origin. The lowest percentage (59.1 per cent), was referred to pupils from Sub-Saharan Africa. In the same research opinions were asked about the position of Roma pupils. The attitude of many respondents was extremely negative and it was only for the Roma that the proposal for separate classes was made.

There have been no significant steps forward made in the debate on mother tongue teaching. The educational system clearly focuses on the learning of Italian and on other European languages. First language learning or maintenance is considered important for cognitive and affective reasons, but is generally not considered a task of the Italian public school.

There is not much evidence that developments in this field are driven by EU policy. The most influential policy initiatives are those of the central government followed by initiatives by local authorities.

The lack or scarcity of data on racist violence has more far reaching consequences with regard to identifying trends and developments in racist violence and crime than it does in the other sectors. While in the other sectors it is possible to draw from national and local research findings and other secondary sources, the little available information from research and from judicial statistics differ so much in both methodological approaches and aspects studied that they can hardly be put together. Judicial statistics are to a large extent the most reliable information available but they are not specific on racist

violence and crime; rather, they are on cases of “racial discrimination” for a legal proceeding was initiated. Data provided directed by Government sources to international organisations such as ECRI do not represent viable alternatives as there is usually no indications on how they have been collected, reference period covered and definitions of phenomenon studied. This situation has led some to draw information from media sources, which in turn may create more problems than can be solved. The only research report run for three consecutive years on “violence against immigrants”, carried out by the Communications department of the University of Roma was based on analysis of 19 daily newspapers for each year.

The above highlights the problems that need to be tackled in the future in order to be able to counter racist violence and crime effectively. A major contribution will have to come from both specific research and the activities of equality bodies at different levels.

## 2. Employment<sup>1</sup>

### 2.1 Immigrant labour in Italy today

In the last five years Italy has been in the throes of an economic recession characterized by low growth and accumulation rates, in connection with the vaster structural crisis of the national and world economy that began in the early 1970s. Italy has responded to this situation by following the global trend of comprehensive devaluation of labour power, heightening processes already underway in the country: outsourcing of production towards countries of the global South, of eastern Europe and of the far East; contracting out and subcontracting of parts of the production processes; reduction of the direct and indirect costs of labour power through casualization of employment relationships and dismemberment of the welfare state; increasingly greater recourse to low-cost immigrant labour in order to maintain the competitiveness of specific economic sectors (or industrial districts) and pave the way to worse working conditions for all workers.<sup>2</sup>

Such recourse to immigrant labour has led to its progressive hierarchization in the context of a new stratification of the workforce as a whole. These phenomena, accompanied by the mechanisms of competition, have produced situations of differential exploitation and undermined worker resistance and unity. Now, the hierarchization of the labour market, which has accompanied the stabilization of immigrant populations, expresses itself at a number of levels: at the racial level, due to the trend, which emerged forcefully after the regularization connected with Law 189/2002, to replace Maghrebians workers with workers from eastern Europe;<sup>3</sup> at the gender level, since the female workers not only have the highest rates of unemployment and of atypical contracts, but are also subject to the most explicit forms of labour segregation. The great number of immigrant women in the domestic and care sector, correlated with the reduction in social welfare, the aging of the Italian population, the feminization of the labour market and the international redistribution of care labour, has in fact given rise to situations of heightened

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<sup>1</sup> The text of the report was elaborated and written collectively by R. Cillo, L. Di Noia and F. Perocco, Laboratory on Immigration of the University of Venice.

<sup>2</sup> See Basso, P., Perocco, F. (eds.) (2000) *Immigrazione e trasformazione della società*, Milan: Franco Angeli.

<sup>3</sup> The process is due, on one hand, to the increasing spread of anti-Arab and anti-Muslim racism and, on the other, to the attempt to replace the more-established immigrant workers who have manifested increasing resistance with workers who have arrived recently and are thus more easily blackmailed and not yet able to stand up for their rights through recourse to trade unions and associations. See Università Ca' Foscari - Laboratorio Immigrazione (2004) *Gli immigrati maghrebini in Veneto*, Research report for the IOM.



concentration and exploitation that the proper authorities ought to take into greater consideration.

Inclusion of immigrants in the labour market has always been characterized by *casualization* and *subalternity*. Regarding the first aspect, the institutional production of “illegality” has had a very negative influence on the living and working conditions of immigrants. Ever since 1990, when Law 39/90 was passed, a system of immigration “control” has been in place, confirmed by subsequent legislation, which has made immigration contingent upon an annual decree establishing the maximum number of entries allowed for work purposes. The legislation prescribes, moreover, that the bureaucratic procedure for authorization of the entry be initiated and managed by the employer, who thus effectively holds the immigrant worker under his control. For many years the annual entry quota decrees have provided for very few entries or have not been issued at all: this has forced immigrants to go through illegal channels, only later regularizing their positions by means of amnesties<sup>4</sup> or annual decrees (actually disguised amnesties that regularize workers who are already employed). This model of inclusion based on illegalization and socio-economic casualization<sup>5</sup> has been institutionalized by Law 189/2002, which links the right to stay in Italy to the contemporaneous existence of three elements: work and a specific permit for it, a stay permit and housing that meets regional minimum standards.

As regards the second aspect, the majority of immigrants are employed at the lowest professional levels and have great difficulty in gaining upward mobility, continuing to be relegated to the lowest wage brackets. There are, moreover, few possibilities for horizontal mobility, apart from those niches customarily “destined” to immigrants, giving rise to situations of employment concentration produced by labour-market mechanisms of specialization. So it is, for example, with the Indian<sup>6</sup> or Filipino immigrants; or with the many female immigrants employed in domestic cleaning or care work.<sup>7</sup>

The substantial labour supply coming from the underground economy has long encouraged immigration, and continues to do so to this day. This has been a contributing factor in the sectorial distribution of immigrant workers - the economic sectors where most of them find their first jobs, such as the construction industry, agriculture and domestic work, are the ones with the highest percentage of undocumented labour - which is closely connected with

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<sup>4</sup> Six of them from 1982 to 2002.

<sup>5</sup> For several years more than half of the first-employment contracts stipulated for immigrants have been for temporary jobs. See Caritas (1998-2005), *Immigrazione. Dossier statistico*, Rome: Idos; Fondazione Cariplo - Ismu (1995-2005), *Rapporto sulle migrazioni*, Milan: Franco Angeli.

<sup>6</sup> Denti, D. et al. (2005), *I sikh*, Milan: Franco Angeli.

<sup>7</sup> Chiaretti, G. (2005) “‘Badanti’, mal da lavoro, mal da rapporti sociali, fronteggiamenti,” in Id. (ed.), *C’è posto per la salute nel nuovo mercato del lavoro?*, Milan: Franco Angeli, pp. 171-215; Id. (2004), “A capo delle loro famiglie e al servizio delle nostre”, *Inchiesta*, nr. 146; Gender (ed.) (2004), *Il mercato del lavoro lombardo*, Milan: Gender.

regional economic peculiarities. While in southern Italy most immigrants are employed in agriculture<sup>8</sup> (and in services), a sector traditionally and structurally dominated by seasonal work and by “*caporalato*,”<sup>9</sup> in the northern regions, characterized by a relative “stabilization” of immigrant labour, most are employed in industrial work in small and medium firms, in construction, and in unskilled services. Despite the greater number of permanent contracts, however, immigrant workers - as we shall see - do not have the same employment conditions as national workers. Also the phenomenon of immigrant entrepreneurs, which we find above all in commerce and in the construction industry, has to be considered part of the processes of outsourcing and not - a except for a few - a real improvement.

## 2.2. Employment and racial discrimination

### 2.2.1 Institutional discrimination

Social and labour casualization, institutionalized by the legislation that disciplines entry and residence, subjects immigrants to blackmail while putting them in a very weak position on the labour market. The short duration of residence permits, the long waits until they are issued, the institution of the “stay for work contract,” the halving of the maximum period of registration on the employment rolls, the interaction with Law 30/2003 modifying the labour market, are elements that have given rise to a high degree of casualization.<sup>10</sup> Within this picture, there are specific elements of inequality with respect to national workers:

1) the institution of the “stay for work contract” obliges employers to provide for lodging and to vouch for repatriation expenses, thus making immigrant labour formally more costly. It is the immigrant workers themselves, however, who are usually made - illegally - to shoulder these costs as a condition of their employment. In the amnesty connected with Law 189/2002, for example, the payment of social security contributions for work done previously was shouldered by the workers in the vast majority of cases;<sup>11</sup>

2) the numerous attempts to segment immigrants into juridical classes based on status and modality of access to employment. In 2004, for example, the Italian government used the decree determining the annual entry quota to limit entry and residence for employment of citizens of new EU member States<sup>12</sup>.

<sup>8</sup> On the living and health conditions of the immigrants seasonably employed in agriculture, see Medici Senza Frontiere (2005), *I frutti dell'ipocrisia*, research report.

<sup>9</sup> An illegal activity of intermediation between a firm and a worker carried out by persons who have no formal mandate from the firm.

<sup>10</sup> See Basso, P. (2004), “Politiche migratorie e precarizzazione del lavoro”, in Coin, F. (ed.) (2004) *Gli immigrati, il lavoro, la casa*, Milan: Franco Angeli, pp. 71-100.

<sup>11</sup> See <http://www.stranieriinitalia.it/briguglio> (13.08.2004).

<sup>12</sup> See Italy / D.C.P.M. of 20.4.2004; Italy / Ministry of Labour / Memorandum nr. 14 (28.04.2004) and nr. 9 (08.03.2005); Chiaretto, E., Ferrero, M. (2005), “Cittadinanze e libera circolazione delle persone nell'Unione Europea: prospettive alla luce

- 3) the planning of entries through the quota system, whose criteria are not clear. Apart from discrimination in the assignment of quotas for the various nationalities, there is also the fact that the decrees on annual entry quotas contribute to the production of casualization and illegality since permits for seasonal work are favoured over permits for permanent jobs and far fewer entries are authorized than are actually needed;
- 4) asylum seekers are subjected to greater difficulties in gaining access to work since they are prohibited from holding a job until the procedures for their asylum application have come to a positive conclusion. Since such procedures can take up to two years, many of these immigrants are forced to enter the circuits of undocumented labour;
- 5) the prohibition of access to public-sector jobs for citizens of third countries.

## 2.2.2 Discrimination in the labour market

Inclusion of immigrants in the labour market has taken place according to forms and modalities that contain a number of elements of discrimination. Among them: a very high concentration of immigrants in the lowest segments of the labour market and in the least skilled, most tiring, unhealthy and risky occupations; a decline in their average professional qualifications;<sup>13</sup> non-recognition of educational qualifications; professional qualifications that do not reflect the functions actually performed; payment of the minimum wage; actual payment that is less than the payment declared; payment of wages that are lower on average than those of Italian workers; formally part-time job contracts for effectively full-time jobs. In this general picture, we note some particularly critical points:

- 1) rates of activity and employment higher than those of the Italian population are offset by widespread unemployment characterized by frequent and short periods of joblessness, particularly in the case of immigrant women.<sup>14</sup> This is a sign that a very great number of immigrant workers - like many young Italians - are obliged to accept atypical job contracts;
- 2) the distribution by sector, where selection mechanisms are in force from the moment of entry.<sup>15</sup> The reduced presence in the services sector is in part correlated with the exclusion from public-sector employment for reasons such

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dell'allargamento a 25 membri", in: *Studi Zancan*, nr. 1; Pugliese, E. (2005), "Extracomunitari e Neocomunitari", in: *Dossier Europa*/2.

<sup>13</sup> See F.I.E.R.I. – ILO (2003) *La discriminazione dei lavoratori immigrati nel mercato del lavoro in Italia*, research report, p. 17.

<sup>14</sup> See Caritas/Migrantes (2005) *Immigrazione. Dossier statistico 2005*, Rome: Idos, p. 245; ISTAT (2005) *Gli stranieri in Italia: analisi dei dati censuari. 14° Censimento generale della popolazione e delle abitazioni*, December 2005, available at: [www.istat.it](http://www.istat.it).

<sup>15</sup> See F.I.E.R.I. – ILO (2003) *La discriminazione dei lavoratori immigrati nel mercato del lavoro in Italia*, research report.

as citizenship requirements and non-recognition of educational qualifications;<sup>16</sup> in the industrial sector the numerous immigrants employed are prevalently utilized in small and medium firms (characterized by less trade-union presence, heavier working conditions, greater recourse to undocumented labour) operating in the sectors most harmful for the workers' health (rubber, plastics, metal, wood, construction, furniture);

3) wages: although differences of treatment between national and immigrant workers with the same qualifications and contracts have not been noted, the widespread practice of assigning immigrants lower professional qualifications (such as "unskilled worker")<sup>17</sup> entails the non-recognition of previous vocational training, concentration in the lowest wage classes,<sup>18</sup> and hindrance to vertical mobility. The ISTAT data on the average wages of national and immigrant workers, for example, reveals a yawning gap in terms both of nominal wages and of the percentage wage variations on an annual basis.

Table 1 – Per capita gross monthly wages for foreign and national workers, expressed in Euro, in the period 1999-2001.

Sector	Foreigners			Nationals			% Diff.	
	1999	2001	% Var.	1999	2001	% Var.	1999	2001
Manufacturing	1216	1228	1.0	1538	1620	5.3	-21.0	-24.2
Construction	1074	1085	1.1	1269	1320	4.0	-15.4	-17.8
Commerce	1229	1239	0.8	1421	1484	4.5	-13.5	-16.5
Hotels/Catering	966	971	0.5	1044	1062	1.7	-7.4	-8.5
Other	845	855	1.2	1295	1359	4.9	-34.8	-37.1

Source: ISTAT (2002), *Rapporto annuale. La situazione del paese nel 2001*, Rome.

4) A rate of industrial accidents far higher than that of national workers<sup>19</sup>. In particular we observe that: since 1998 the professional injury rate of immigrants has outstripped their rate of employment; deaths from industrial accidents have increased and their incidence in the general total has risen; given the same jobs, immigrant workers have a higher rate of industrial accidents than national workers; immigrant workers receive less compensation than national workers (less recognition of the seriousness of the injury, less medico-legal protection, more temporary or flat-rate rather than permanent compensation).

## 2.3. Policies and measures to combat discrimination

<sup>16</sup> A special legislation allows that non-EU immigrant women are employed in the public sector as nurses, with special contracts that explicitly treat them less favourably than their Italian counterparts, both in terms of salary and working conditions.

<sup>17</sup> IRES-CGIL (2003) *Discriminazione sui luoghi di lavoro. Il caso dei lavoratori migranti*, Rome: Ires.

<sup>18</sup> See ISMU (2003) *Ottavo rapporto sulle migrazioni*, Milan: Franco Angeli.

<sup>19</sup> 9.1% versus 4.2% in 2001: see Pittau, F., Spagnolo, A. (eds.) (2003), *Immigrati e rischio infortunistico in Italia*, Rome: IMS; Oddi, M., Signorini, S. (2004) "Da una ricerca Ispesl molte conferme. E qualche sorpresa", in: 2087, VI, nr. 5, p. 19.

In Italy the issue of discrimination against immigrants in the workplace has found little space on the agendas of institutions, and so do policies to combat it<sup>20</sup>.

From the national authorities and the entrepreneurs there have been very few signs of awareness of a need for antidiscrimination policies. At long last, in 2004, UNAR (*“Ufficio Nazionale Antidiscriminazione Razziale,”* not specifically and exclusively addressed to the labour dimension of discrimination) came into the force, instituted by Legislative decree no. 215 of 9 July 2004, that transposed EU directive no. 43/2000.

“Diversity management” is a little-known concept in Italy, while the ethnicization of the labour force is an extremely widespread empirical practice; the idea of discrimination based on national origin is generally not taken into consideration.

The non-profit sector, solidarity associations and social cooperatives, while very active in the sphere of immigration, until now have shown little concern about racial discrimination in the workplace. The trade-union organizations have also given some belated signs of life:<sup>21</sup> if at the national level just a few very timid stands have been taken, at the level of the federations<sup>22</sup> or of local union branches some concrete actions have been launched and some projects implemented<sup>23</sup>.

These very first and small changes have been solicited principally by two factors: European directives, which have induced the Italian government to adopt antidiscrimination programmes; and the action of some parts of the union, of immigrant associations, of the non-profit sector and of local administrations, which at the local level have spoken out about the problem, taken legal action, made proposals or taken measures, especially as regards the denial of access to

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<sup>20</sup> In Italy both a law against discrimination and a series of articles of laws to this effect do exist, but - as numerous legal judgments attest - this legislation has been widely disregarded and rarely applied.

<sup>21</sup> For a reconstruction of the relations between immigrants and trade unions see Basso, P. (2004) “Sul rapporto tra immigrati e sindacati,” in: Mauri, L., Visconti, L.M. (eds.), *Diversity management e società multiculturale*, Milan: Angeli, pp. 113-131. On the racial discrimination in some production sectors and the union’s role in combating them see Università Ca’ Foscari Venezia – Laboratorio Immigrazione (2004) *Trade Unions and Racial Discrimination in the Italian Metalworking Sector*, research report, RITU Project; Id. (2005) *Trade Unions and Racial Discrimination in the Italian Shipbuilding Sector*, research report.

<sup>22</sup> See the internal document of the FIOM “Contrattazione e immigrazione” (June 2005); D’Aloia, B., Leopardi, S. (2002) “Il lavoro degli immigrati nella contrattazione collettiva e nella concertazione territoriale,” in: IRES-CGIL Nazionale (2002) *2° Rapporto sull’Immigrazione*, Rome: Ires.

<sup>23</sup> For example the Equal “Maqram-Maqor” project, launched by the CGIL, CISL and UIL of Udine, which opened three antidiscrimination offices to combat racial discrimination in the workplace.

public-sector employment to citizens of third countries<sup>24</sup> or the admittance of asylum seekers to vocational training programs.<sup>25</sup>

As regards vocational training courses for migrants and minorities, most of them are financed by EU funds (60.9 per cent of the total resources in year 2000/2001). In the Southern regions of Italy, 94.9 per cent of vocational training courses are financed through EU funds, in the Central regions this percentage decreases to 81.5 per cent and in the Northern regions EU funding is equally balanced with regional funding<sup>26</sup>.

Tab. 2 – Vocational training courses for people at risk of exclusion by year and geographical area

	North		Centre		South		Total		Courses financed by EU funds on the total
	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	1999/2000	2000/2001	
No. of courses for people at risk of exclusion*	1,667	1,919	469	497	348	437	2,484	2,853	2,178

\* Migrants, immigrants, Roma and Sinti; disabled people; drug addicts.

Source: Isfol (2002) Statistics on professional training 2002: structures, activities, expenses, Rome: Isfol.

<sup>24</sup> See *Diritto, Immigrazione e cittadinanza*, III/2004, p. 239 ff.; *Diritto, Immigrazione e cittadinanza*, I/2005, p. 121 ff. On some trade union and immigrant association initiatives promoting respect of the rights of foreign nurses, see IRES-CGIL (2005) *Sindacati e discriminazione razziale nella sanità italiana: il caso degli infermieri*, research report, RITU Project.

<sup>25</sup> On projects at the local level for the vocational training of asylum seekers see the INTEG.RA project “Formare, inserire, integrare: strumenti e indicazioni per i richiedenti asilo e rifugiati”, available at: <http://www.cestim.it> (04.07.2005).

<sup>26</sup> Isfol (2002) Statistics on professional training 2002: structures, activities, expenses, Rome: Isfol.

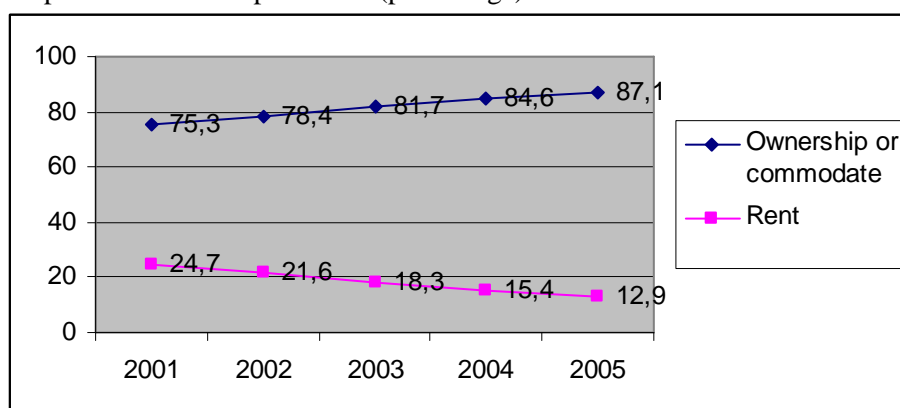
### 3. Housing<sup>27</sup>

#### 3. 1. Trends in the housing sector

Starting from 1998 and throughout the reference period, the Italian housing market was characterized by some important trends that had repercussions on migrants' and minorities' access to housing, and, more in general, increased the difficulties of low-income people to have a decent accommodation.

A first indicator that marks the Italian situation out is a very high percentage of families who own the houses where they live. According to ISTAT<sup>28</sup>, in 2002 72.8 percent of families owned the homes in which they lived, while 18.7 per cent lived on rent. Data provided by Censis Foundation highlight a rise in home ownership, with a percentage of 87.1 per cent of families living in their own homes in 2005. Censis figures concerning ownership and rent are slightly different from ISTAT figures drawn from the 2001 Census, but the trend appears quite clearly positive (see table 2).

Graph. 1 – Ownership and rent (percentage) – Years 2001-2005



Source: Censis, 2006

From 2001 to 2005, real estate prices increased as a result of a rise in sales in the same period. According to Censis<sup>29</sup>, in 2001 the average expense for buying a house amounted to 131,000 euros, while in 2005 the average expense was 196,000 euros. In real terms, the average prices of houses rose between 2000

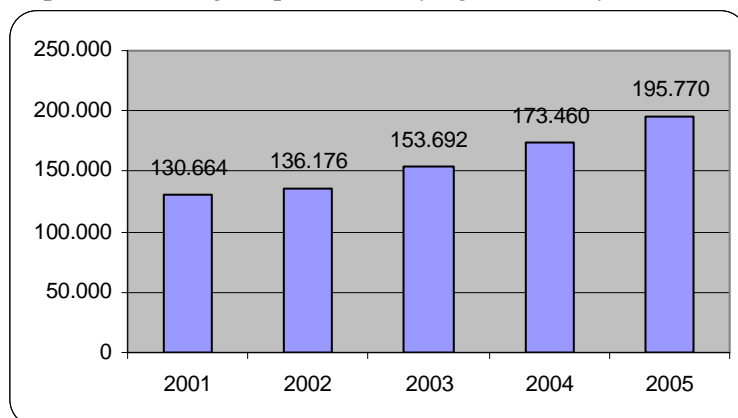
<sup>27</sup> Written by Sara Cerretelli, COSPE.

<sup>28</sup> Istat (2003) *Annuario statistico italiano 2003*, Rome: Istat.

<sup>29</sup> Censis (2006) *Il futuro dell'immobiliare. 7° rapporto Censis Casamonitor*, Rome: Censis.

and 2002 by about 18.2 per cent<sup>30</sup>, while in five years prices increased by 37.6 per cent.

Graph. 2 – Average expense for buying a house – years 2001-2005 (euros)



Source: Censis, 2006

Rents increased in a similar manner in the same period. Many studies have recorded significant rises in rent prices, in spite of a major reform carried out in 1998 which aimed at rendering the housing market more flexible and competitive in order to produce accessible rent prices and to put more houses on the market for rent. According to two separate researches on rent prices carried out in 2002 and 2003<sup>31</sup>, rents have risen sharply and out of control in the private market. In 2004 rents increased by 10.8 per cent on average in 13 major cities in the country, and in the period from 2000 to 2004 the rise amounted to 45 per cent<sup>32</sup>. This situation led to the severe housing exclusion affecting in particular young people, the elderly and immigrants and refugees.

Moreover, in the reference period the stock of public housing has decreased because of a policy of selling by the national government. At present, social housing covers less than five per cent of the housing market. In general, public housing policy is focussed on facilitating access to ownership rather than increasing the stock of social housing for those segments of the population who cannot afford to buy a house.<sup>33</sup>

Housing needs of migrants and minorities have been changing in line with key transformations in migration and settlement patterns over recent years. The increase in the number of families among migrant groups following family

<sup>30</sup> Censis (2003) *Rapporto 2002*, Rome: Censis

<sup>31</sup> Ares2000 (2003) *Affitti fuori controllo*, Rome: Ares2000 and Sunia (2003) *L'offerta di abitazioni in affitto. Indagine sulle offerte locative nelle aree metropolitane*, Rome: Sunia.

<sup>32</sup> Ares2000 (2005) *Indagine sugli affitti. Canoni liberi, concordati o ... sociali?*, Rome: Ares2000.

<sup>33</sup> Federcasa (2002) *I numeri della casa*, available at: [www.federcasa.it](http://www.federcasa.it).



reunion has brought about a shift in the type of accommodation, from the hostel and boarding type facilities of the first period following arrival to full fledged apartments. The growth of this type of demand, which among other things reflects a stabilisation process underway, has meant, in the majority of cases, increased demand for houses on rent and in most cases, for low rent housing<sup>34</sup>. During the reference period, an increase in polarization in the housing conditions of migrants and minorities can be observed: on the one hand stabilized immigrants continue to improve their housing situations, while on the other hand, people with precarious jobs encounter growing difficulties in securing decent accommodation.

Various surveys show an increasing number of non-EU citizens who buy their own house. A study carried out in Milan in 2002<sup>35</sup> found that about 4.7 per cent of migrants owned the houses where they lived, and an analysis by a major estate agency concluded that many migrants are buying their own homes partly to overcome difficulties encountered in trying to secure houses on rent. In 2004, about 8 per cent of the estate transactions at national level were carried out by immigrants<sup>36</sup>. For the same year, in Lombardy region a sizable increase in the direct ownership of homes by immigrants (+3.2 per cent) was recorded, compared to the previous year<sup>37</sup>. The characteristics of houses bought by immigrants did not change during the reference period: they buy medium sized apartments (two or three rooms), located on the outskirts and in old working class quarters.

A study by ISTAT based on the 2001 Census data<sup>38</sup> shows different housing conditions between non-EU citizens on one hand and Italian and EU citizens on the other. About 96.6 per cent of foreign citizens present in Italy during the census lived in houses on their own, 2.1 per cent in cohabitation, 1.0 per cent in other types of accommodations and 0.3 per cent had no accommodation at all. The percentage of foreigners living in cohabitation is three times the percentage of Italians living in the same situation and the percentage of foreigners living in precarious and uncomfortable accommodation (caravans, cellars, garages, shacks, containers etc.) is 10 times that of Italians in same condition<sup>39</sup>.  
(see table below).

Tab. 3 – Italian and foreign resident population by housing condition (percentage, Census 2001)

<sup>34</sup> Tosi, A. (2000) “L’inserimento degli immigrati: case e città”, in: Marcetti, C. Solimano, N. (2000) *Culture dell’abitare*, Florence: Polistampa; see also: Bellaviti, P., et al. (2002) *Le condizioni abitative e l’inserimento territoriale degli immigrati in Lombardia. Rapporto 2001*, Milan: Fondazione ISMU.

<sup>35</sup> Unioncasa (2002) *Quante lingue parla il mattone in Italia?*, Press release.

<sup>36</sup> “Scenari immobiliari: l’immigrato cerca un trilocale con mutuo da ristrutturare”, in: <http://www.stranieriinitalia.it> (27.04.2005).

<sup>37</sup> ISMU (2005) *Rapporto 2004. Gli immigrati in Lombardia*, Milan: Ismu.

<sup>38</sup> ISTAT (2005) *Gli stranieri in Italia: analisi dei dati censuari*, Rome: Istat.

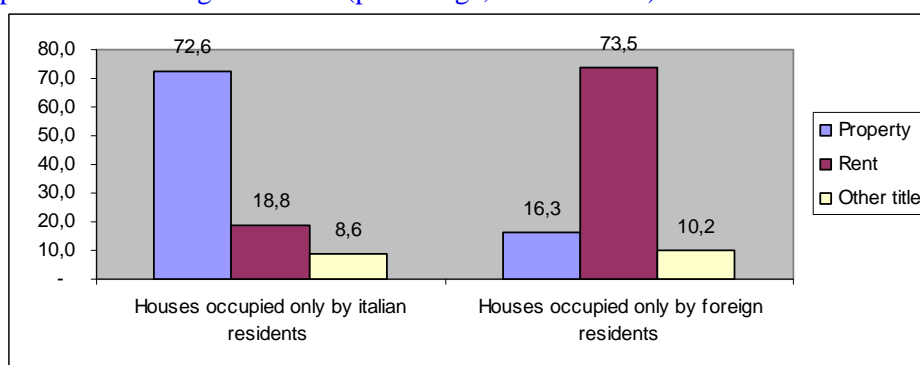
<sup>39</sup> Similar results have been found by Sunia, Ancab-Legacoop (2001) *Condizioni abitative degli immigrati in Italia*, Rome: Sunia and Ismu (2003) *La presenza straniera in Lombardia*, Milan: Ismu.

<i>Resident population</i>	<b>Housing condition<sup>40</sup></b>			
	<i>House</i>	<i>Cohabitation</i>	<i>Other accommodation</i>	<i>No lodging</i>
<b>Foreigners</b>	<b>96.6</b>	<b>2.1</b>	<b>1.0</b>	<b>0.3</b>
<b>Italians</b>	<b>99.2</b>	<b>0.7</b>	<b>0.1</b>	<b>0.0</b>
<b>Total</b>	<b>99.2</b>	<b>0.7</b>	<b>0.1</b>	<b>0.0</b>

Source: Processed by the NFP on Istat data, 2005.

About 75.8 per cent of immigrants live in rented houses, and percentages concerning Senegalese, Albanian and Tunisian citizens are higher than those referring to other nationalities (84.9, 82.9 and 82.7 per cent respectively).

Graph.. 3 – Houses occupied by resident population by type of ownership and presence of foreign residents (percentage, Census 2001).

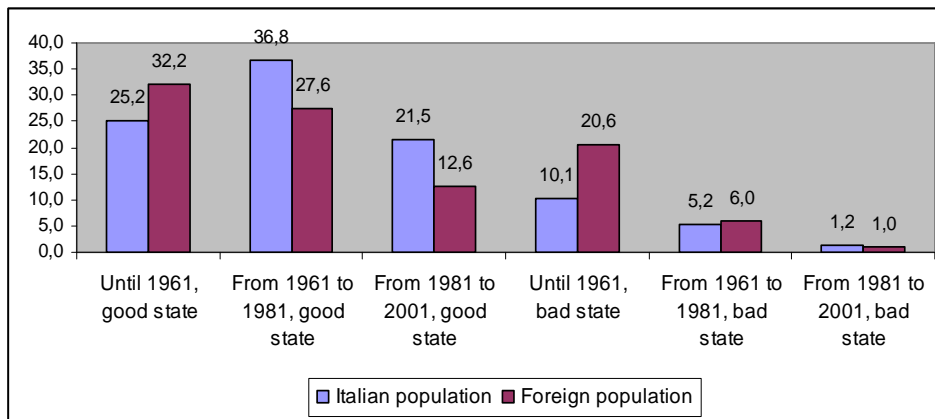


Source: Processed by the NFP on Istat data, 2005.

As regards time of construction and state of maintenance of the buildings, ISTAT states that the foreign population generally lives in buildings which are older and in worse conditions than those of Italians.

Graph. 4 – Italian and foreign residents in houses by year of construction and state of the building (percentage, Census 2001)

<sup>40</sup> House: lodging consisting in one or more rooms; cohabitation: military and ecclesiastical cohabitation; hotels; ships; educational, charitable and penitentiary institutes etc.; other accommodation: caravans, tents, campers, containers, shacks, huts, caves, garages, cellars, garrets etc.



Source: Istat, 2005.

On average, foreigners' houses have lesser number of rooms, a smaller space and are more crowded than those of Italians. The average space of houses inhabited only by Italians is 96.4 square meters and 73.4 square meters for those inhabited only by foreigners. Data on the average number of rooms highlight worse conditions for foreigners, who have 3.3 rooms at their disposal against 4.2 rooms for Italians. Also the crowding rate confirms the difficult conditions in which foreigners live: 0.8 people per room for foreigners and 0.6 people per room for Italians (see table).

Extreme overcrowding<sup>41</sup> concerns 6.5 per cent of foreigners and 0.9 per cent of Italians.

As regards the availability of utilities and equipments, 0.5 per cent of houses inhabited by foreigners does not have any bathroom (0.2 per cent for Italians), 3.3 per cent does not have warm water (1.2 per cent for Italians), 6.1 per cent does not have any heating system (5.6 per cent for Italians).

Tab. 4 – Indicators of size and crowding of houses occupied by Italian and foreign residents by geographical area (percentage, Census 2001)

<i>Italy - Geographical areas</i>	<i>Average surface (square meters)</i>	<i>Average number of rooms</i>	<i>Average surface per resident person (sq. m.)</i>	<i>Average number of residents per room</i>
<i>Houses occupied only by Italian residents</i>				
North-west	92.4	4.0	38.9	0.6
North-east	104.6	4.5	42.0	0.6
Centre	95.4	4.3	37.2	0.6
South	94.7	4.2	32.3	0.7
Islands	97.2	4.3	35.0	0.6
<b>Italy</b>	<b>96.4</b>	<b>4.2</b>	<b>37.0</b>	<b>0.6</b>

<sup>41</sup> Heavy overcrowding is the condition of a person living in a house with a rate between number of residents and number of rooms which is higher than 2.

	<i>Houses occupied only by foreign residents</i>			
North-west	69.3	3.0	27.0	0.8
North-east	78.1	3.4	28.4	0.8
Centre	77.9	3.5	30.2	0.7
South	68.1	3.1	29.8	0.7
Islands	68.3	3.2	30.5	0.7
<b>Italy</b>	<b>73.4</b>	<b>3.3</b>	<b>28.5</b>	<b>0.8</b>

Source: Processed by the NFP on Istat data, 2005.

The Government Commission of enquiry on social exclusion, in 2001, estimated that there were 17,000 homeless people in Italy, 45% of whom were immigrants<sup>42</sup>. The population at risk is made up of families (especially from Eastern Europe) and of refugees and asylum seekers<sup>43</sup>. A study carried out by the Italian Federation of Homeless People (Fio.psd)<sup>44</sup> in 2002 showed that almost all the services for homeless people (93%) dealt with both Italians and immigrants, and that almost half of these services (43%) declared that migrant users made up more than 50 per cent of their overall users per year.

Data on homelessness probably includes also people who illegally occupy abandoned industrial warehouses, camps, abandoned buildings etc. According to an investigation carried out in 2003<sup>45</sup>, in the city of Milan about 3,500 people live in these settlement per year, of which 27 per cent are authorized migrants with fixed jobs. This means that reluctance or refusal to rent houses to migrants and high estate and rent prices force immigrants to opt for squatting, even when they have a legal title to stay and a regular income.

### 3. 2. Developments in policy measures on housing exclusion and discrimination

#### 3.2.a Housing-related measures targeting migrants and minorities

In Italy, housing-related measures targeting migrants and minorities are defined by local authorities, following priorities and objectives defined by the national government within the framework of the National Action Plans against Poverty

<sup>42</sup> These are partial data and many voluntary organisations believe that this figure is much higher and accounts for 50,000 to 80,000 people. See Tosi, A., *Italy National Report 2004. Statistical update, European Observatory on Homelessness*, Feantsa, 2004, Bruxelles.

<sup>43</sup> A survey carried out by the Astalli Centre has found that 26% of asylum seekers interviewed in Rome have declared to have slept outdoor for a year or longer, when they arrived in Italy. See Ronda della Solidarietà (2003) *Storie di diritti negati*, Rome: Centro Astalli.

<sup>44</sup> Fio.psd (2003) *Rapporto nazionale 2002. Immigrazione e persone senza dimora (National Report 2002. Immigration and homeless people)*, Genova: Fio.psd.

<sup>45</sup> Naga (2003) *La città invisibile. Rapporto sulla popolazione delle baraccopoli e delle aree dimesse milanesi*, Milan: Naga.

and Social Exclusion. In 2001, a Constitutional Reform Law<sup>46</sup> introduced a major reform of Title V of the Italian Constitution, providing for some important changes in legislative responsibilities of state and regional governments. In particular, the state has been assigned the task of deciding on basic social services and care, while the regions are requested to plan, coordinate and steer social action with the help of other local authorities (Provinces and Municipalities), to check implementation in their respective areas and collaborate with the private and non-profit sectors with regard to planning and implementing social actions and services.

As a consequence of decentralisation in housing policies, regions and autonomous provinces often implement the national legislation in different ways the measures concerning the housing sector addressed to migrants and minorities (especially Roma and Sinti populations) can vary.

Since 1990, the main immigration laws contain provisions on the housing sector. The first law that introduced such provisions, the so-called Martelli Law<sup>47</sup>, had an approach based on emergency. It introduced the creation of the so-called “First stage reception centres”<sup>48</sup>, providing also the possibility for non-EU citizens to gain access to the lists for low rent public houses. The Consolidated Text on Immigration of 1998 took further steps to improve access to housing by migrants and minorities<sup>49</sup>. It provided for the principle of equal treatment between Italians and legally resident non-EU citizens in access to public services (art. 2), with the specific duty for local authorities to take all necessary measures in order to remove obstacles that prevent the acknowledgement of the rights of non-EU citizens in some sectors, among which the housing sector (art. 3). Migrants are also allowed access to the services of social agencies whose aim is to facilitate access to housing and to subsidized credit facilities to buy, renovate or rent a first home. Article 43 of the above mentioned law prohibits discrimination in the access to public and private housing, specifying that to impose less favourable conditions or to refuse to grant access to housing to a legally resident foreigner on the grounds of his/her being a foreigner or of belonging to a particular “race”, religion, ethnic group or nationality is a discriminatory act.

Another important reform in the housing sector was carried out in 1998, even though it was not specifically addressed to migrants and minorities. In order to increase the number of houses for rent on the market and to lower housing costs, law nr. 431/98<sup>50</sup> liberalized rents, offered proprietors tax rebates and support for low-income families in order to help them to rent houses on the private market.

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<sup>46</sup> Italy / Constitutional Law No. 3/2001, (18.10.2001).

<sup>47</sup> Italy / Law nr. 39 (28.02.1990).

<sup>48</sup> First stage reception centres are residential facilities that provide, in some cases free of charge, temporary accommodation and food for foreigners in difficulty. They are provided by regional governments, in collaboration with provincial and local authorities, as well as voluntary organisations.

<sup>49</sup> Italy / Legislative Decree nr. 286 (25.07.1998).

<sup>50</sup> Italy / Law nr. 431 (09.12.1998).

According to many studies, this reform had a negative impact on the housing conditions of migrants, because it caused a rise of rents and real estate prices<sup>51</sup>. The current immigration law, which came into force in 2002<sup>52</sup>, introduced some changes in the housing conditions of migrants. The new law cancelled a previous provision that allowed access, by migrants who do not have a legal title to stay, to temporary accommodation in the *First stage reception centres*, under certain emergency conditions. As far as low rent public housing is concerned, the 2002 immigration law limited the access to such houses only to holders of permanent residence permits or stay permits valid for at least two years.

Finally, it introduced a new provision on employment that has important implications for migrant's access to housing, the so-called "stay for work contract" (*Contratto di soggiorno*), which an immigrant will have to sign with his/her employer in order to obtain a legal title to stay in the country. In order to sign this contract, evidence will have to be produced of an accommodation that meets standards provided for by regional laws on public housing. This provision complicated the position of immigrants in the housing market, because they often find houses for rent that do not meet these standards in terms of available space, number of rooms, sanitary conditions etc. Such houses are considered as inadequate and do not allow them to be employed and to have a legal title to stay.

The transposition of Directive 2000/43/EC in 2003<sup>53</sup> did not lead to any changes in the provisions on equality of access to housing for foreign citizens.

Specific legislation on low rent public housing (*Edilizia Residenziale Pubblica – ERP*) is issued by regional governments and autonomous provinces. Regional laws contain different provisions regarding foreigners' access to housing: some of them contain the principle of equal treatment between nationals and non-nationals; others provide for the principle of reciprocity<sup>54</sup> as a condition for access of foreign citizens to public housing. In some cases, regulations by local authorities that implement regional legislation contain provisions that substantially disadvantage foreigners, but these provisions can be brought before the Regional Administrative Courts and cancelled as unlawfully discriminatory<sup>55</sup>.

Notwithstanding laws on immigration contain the principle of equal treatment in access to housing for migrants and minorities and put a duty on regions and local authorities to enforce these provisions, these principles have not been applied systematically throughout the country. Italy doesn't have organized and

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<sup>51</sup> See chapter 3.1.

<sup>52</sup> Italy / Law nr. 189 (30.07.2002).

<sup>53</sup> Italy / Legislative Decree nr. 215 (09.07.2003).

<sup>54</sup> It states that access to public housing can be accorded to non-EU citizens only if their countries of origin accord the same conditions to Italians.

<sup>55</sup> Court cases occurred between 2000 and 2005 will be described in the following paragraphs.

effective policies in order to assure the right to housing and allocates limited social contributions.

The 2001 National Action Plan on social inclusion highlighted the presence of factual discrimination against migrants in the access to the housing market and showed a higher incidence of homelessness among non-EU immigrants compared with the other EU countries<sup>56</sup>. The National Action Plans for 2001 and 2003 do not provide for specific measures addressing the housing needs of migrants and minorities, and contain general measures in order to help young couples to buy their first home and low-income people to rent, buy and renovate their houses. As regards people with no fixed abode, the NAP 2003-2005 points out that most part of initiatives for homeless people are carried out by private organisations.

From 1996 up to now, spending on social protection in Italy remained stable compared with GDP and is still some percentage points below the EU average<sup>57</sup>. Distribution of services according to the various sectors shows a prevalence of spending for old age pensioners, while welfare spending (support to income, housing policies, social inclusion) is still limited, and contributions for accommodation and social exclusion can be defined as “virtually insignificant”<sup>58</sup>. In the *Document of Economic and Financial Planning* (DPEF) and in the annual financial acts issued between 2000 and 2005, the government did not provide for specific contributions to improve access to housing by migrants and minorities, even though a specific fund was set up with the aim of helping low-income families pay for rent on the free market.

The situation of Roma and Sinti populations is different from that of other minority groups. Public policies towards these groups are affected by the conviction that Roma are “nomads” and are not used to live in fixed homes. For this reason, regions and autonomous provinces have laws providing for “Roma camps”, that are often located far away from areas inhabited by the non-Roma population and in which living conditions are extremely difficult<sup>59</sup>. In the reference period, no remarkable changes occurred in public policies for Roma and Sinti populations, even though there is a need to critically review existing regional laws on Roma camps as an essential step towards tackling the specific problems faced by these groups in housing.

Developments and changes in the housing conditions of migrants and minorities in Italy were driven by both national and local policies. In particular, social

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<sup>56</sup> Italy, *National Action Plan on Inclusion 2001*, June 2001.

<sup>57</sup> The average figure for the other EU countries is almost two percentage points higher than in Italy (27.1% of the GDP compared to 25.2% in 2000, the most recent figures that can be used for a comparison).

<sup>58</sup> Ministry of Labour and Social Policies (2003) *National Action Plan against poverty and social exclusion 2003-2005*, available at:

<http://www.welfare.gov.it/Sociale/inclusione+sociale/default.htm> (08.05.2006).

<sup>59</sup> European Roma Rights Center (2000), *Campland. Racial segregation of Roma in Italy*, Budapest: ERRC.

policies are based on priorities and objectives contained in the National Action Plans, which correspond to the objectives of fighting social exclusion defined in the European Meeting of Nice. At local level, regional governments issue Regional Plans on the basis of the guidelines provided for the National Plan, and Municipalities approve the District Plans, which follow the indications of the Regional Plans.

### 3.2.b Developments regarding monitoring housing discrimination both at local and national level

Throughout the reference period, no nation-wide monitoring of discrimination in the housing sector against migrants and minorities has been carried out. All the same, evidence of discrimination against migrants and Roma populations has been provided by many reports by national and international organisations and complaints registered by the toll free number created by UNAR (National Office against Racial Discrimination), the national equality body, confirm that the situation is critical: 20,2% of the total number of complaints recorded were related to the housing sector<sup>60</sup>. From 2000 to 2005, a number of research on access to housing and on the housing conditions of migrants and minorities have highlighted differences in treatment between Italian and EU citizens on one hand and non-EU citizens on the other<sup>61</sup>. These studies describe the most common modalities of discrimination: advertisements of apartments for rent that carry the specification “not for non-EU citizens”; landlords who impose rents that are disproportionate to the conditions of the houses, taking advantage of the difficulties faced by immigrants in finding accommodation and the specific needs of those who have no legal title to stay; excessively high rents that lead to overcrowding of tenants, in an attempt to reduce the incidence of such rents on individual incomes; landlords who offer to immigrants accommodations that are out of the market and considered not fit to be offered to Italians.

Some other reports describe the housing situation of particular groups of migrants such as illegal immigrants, people with no fixed abode, construction and/or other seasonal workers, showing the extreme forms of exclusion that affect these groups<sup>62</sup>. As regards Roma and Sinti populations, the most evident

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<sup>60</sup> UNAR (2005) *Un anno di attività contro la discriminazione razziale*, Rome: Unar.

<sup>61</sup> See: Ares2000 (2000) *Il colore delle case. Primo rapporto sulla condizione abitativa degli immigrati in Italia*, Rome: Ares2000; Cestim, Mlal (2000) *Progetto “Numero Verde Schengen...una telefonata contro la discriminazione”*; Asal (ed) (2001) *Affittasi. A tutti? Inchiesta sul disagio abitativo degli immigrati in Italia*, Rome: Asal; Sunia, Ancab-Legacoop (2001) *Condizioni abitative degli immigrati in Italia*, Rome: Sunia; Bellaviti, P. et al. (2002) *Le condizioni abitative e l’inserimento territoriale degli immigrati in Lombardia. Rapporto 2001*, Milan: Lombardy Region, Ismu Foundation; Ismu (2005) *Gli immigrati in Lombardia. Rapporto 2004*, Milan: Ismu.

<sup>62</sup> See: Fio.psd (2002) *Rapporto nazionale 2002. Immigrazione e persone senza dimora*, Genova: Fio.psd; Naga (2003) *La città invisibile. Rapporto sulla popolazione delle baraccopoli e delle aree dimesse milanesi*, Milan: Naga; Fillea CGIL Roma and Lazio



expression of systematic discrimination against them is the practice of relegating them to camps, in which living conditions are extremely precarious. The “camps” system is maintained by local authorities, while many international and national organisations have repeatedly denounced this situation over the years<sup>63</sup>.

Two discrimination testing exercises carried out in 2000 and in 2004 at local level<sup>64</sup> showed results that are very similar, notwithstanding their being carried out in different contexts and at a distance of 4 years one from the other. The percentage of respondents who discriminated against non- EU callers varied from a minimum of 31 per cent in Naples to a maximum of 71 per cent in Turin. The negative responses were both an explicit refusal to rent the apartment to a non-EU citizen and based on the claim that the flat had already been rented out. This type of discrimination is particularly challenging as victims often do not know that they have been discriminated against and whatever doubts they may have as to the real motivation for repeated negative answers, it remains very difficult to challenge this kind of discrimination in the courts.

Since 2000, an increase in the number of court cases against discrimination in the housing sector has been recorded. Anti-discrimination provisions contained in the Consolidated Act on Immigration of 1998, were enforced for the first time in Italy in 2000, in a case of a real estate agent who discriminated against an immigrant on grounds of nationality<sup>65</sup>. Since then, other cases have successfully been brought before the courts, including an agency operating via the Internet<sup>66</sup>.

Another important enforcement of the anti-discrimination legislation concerns the access of non-EU migrants to low rent public houses. Since 2000, many cases of indirect discrimination by local authorities has been denounced by trade-unions or brought before Courts, because of restrictive interpretations of the national or regional legislation on the subject<sup>67</sup> or unlawfully discriminatory

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(2005) *Dove abitano a Roma e provincia i lavoratori edili immigrati*, Rome: Fillea CGIL; Medici senza Frontiere (2005) *I frutti dell'ipocrisia. Storie di chi l'agricoltura la fa. Di nascosto*, research report, available at: <http://www.msf.it> (07.09.2005).

<sup>63</sup> See e.g. ERRC (2000) *Campland. Racial segregation of Roma in Italy*, Budapest: ERRC.

<sup>64</sup> Rete d'urgenza contro il razzismo (2001) *Rapporto Annuale*, available at: <http://www.unimondo.org/reteurg/>; Polo contro la Discriminazione (2004) *Una casa per gli immigrati: il problema degli affitti – Napoli, Bari e Campania*, Research report, April 2004; Polo contro la Discriminazione (2004) *Una casa per gli immigrati: il problema degli affitti – Palermo e Catania*, Research report, November 2004.

<sup>65</sup> Diritto, Immigrazione e Cittadinanza, no.2/2000, Milan: Franco Angeli, pp.74 – 75.

<sup>66</sup> Italy / Court of Justice of Bologna / Decree 22/02/2001 (22.02.2001), in: Diritto, immigrazione e cittadinanza, n. 1/2001, Milan: Franco Angeli.

<sup>67</sup> Commissione per le Politiche di Integrazione degli Immigrati (2001) *Secondo Rapporto sull'integrazione degli immigrati in Italia*, Bologna: Il Mulino; Italy / Court of Justice of Milan / Sentence nr. 3614 (20/21.03.2002).

provisions or criteria<sup>68</sup>, which had been used to disadvantage migrants in access to public houses. Challenging discrimination using available legal instruments has been shown to be easier in cases of discrimination by public authorities than by estate agents or individual tenants. This is because in the case of public authorities, proof of discrimination is not difficult to acquire as it usually involves the application of criteria or provisions which result in less favourable treatment of migrants on grounds of their nationality.

### 3. 3. Changes in significant good practices

The general weakness of housing policies at national level and rising estate prices and rents have led some actors (local authorities and private bodies) to look for alternative solutions to housing problems of some segments of the population, among which migrants and minorities face the hardest forms of exclusion.

During the reference period, a number of innovative projects were successfully carried out at local level in order to help immigrants rent or buy houses. Major strategies and initiatives aim at bringing demand and supply closer, increasing the offer of both temporary and permanent accommodation for low-income segments of the population, and providing intermediate solutions capable of facilitating the transition from reception centres to individual homes. In order to achieve these objectives, local initiatives have focused attention on the private sector, trying to mobilise supply, undertaking mediation activities, offering guarantees to landlords and economic support for low-income families. Other forms of support dedicated to migrant workers have been implemented by employers in the North-Eastern part of the country, where shortage of houses for rent affects the capacity of local industries to meet their needs of workforce.

A survey carried out by Censis in 2005<sup>69</sup> mapped 99 initiatives aimed at supporting access by migrants and minorities to housing, of which about half (49) are carried out by cooperatives or associations, 31 by public bodies and 19 by partnerships of public and private bodies. At the moment, such partnerships are found almost exclusively in the central and northern regions of Italy, while southern regions and the islands are yet to undertake similar joint initiatives. Provincial and municipal authorities are increasingly participating in partnerships with NGOs, cooperatives, employers' associations and credit institutions. The main activities carried out to help immigrants to find an accommodation are the following: intermediation in securing houses on rent; buying or taking on rent apartments for subletting; renovate abandoned

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<sup>68</sup> Italy / Regione Lombardia / Regional regulations nr. 0001 (03.02.2004); Azienda Territoriale Edilizia Residenziale di Treviso (2004) *Avviso di cessione in proprietà superficiaria di 32 alloggi in comune di Mogliano Veneto*; Italy / Regione Lombardia / Regional Law nr. 7 (08.02.2005); Italy / Tribunale Amministrativo Regionale Lombardia, sezione Brescia / Sentence nr. 264 (25.02.2005)

<sup>69</sup> Censis (2005) *Le politiche abitative per gli immigrati in Italia*, Rome: Censis.

buildings; build new apartments; self-building or renovation of apartments, in collaboration with public bodies; creation and management of guarantee funds for the payment of rent or in case of damages; contributions for rent or buying of the first homes; research and advice on housing issues. An interesting evolution in good practices is that agencies act as intermediaries between migrants and credit institutions, thereby making it easier for migrants to qualify for loans to buy a home.

## 4. Legislation<sup>70</sup>

### 4. 1. Legal developments addressing racial and ethnic discrimination

#### 4.1.1 Changes in the legal procedures or introduction of new ones available to victims of discrimination

Until 1998, the main legal procedures that victims of discrimination on grounds of racial or ethnic origin could use to protect their interests were those outlined in Law nr.654/1975 as amended by Law nr.205/1993, which prohibits, among others, the incitement to commit or the commission of discriminatory acts for racial, ethnic, national or religious reasons and provides for a general aggravating circumstance for all offences committed with a view to discrimination on racial, ethnic, national or religious ground or in order to help organisations with such purposes.

In its *Third Report on Italy*, ECRI has noted with regret that a recent change introduced in these criminal law provisions against incitement to racial hatred, discrimination and violence has made such provisions more lenient by reducing the maximum length of imprisonment for breaching them from three years to eighteen months and it has also been made possible for the presiding judge to substitute this new maximum jail term with a fine<sup>71</sup>.

In 1998, a major shift in the approach to fighting discrimination was made by introducing anti-discrimination provisions in the Immigration Act. This change in the choice of which legal procedures should be used to effectively counter discrimination seems to have been made in order to lower the barriers that hinder many victims of discrimination from taking legal action under criminal law provisions. Such barriers to recourse to existing penal instruments include the high cost of legal action in the form of the practitioner's charges, the lengthy duration of criminal proceedings, partly connected to the three levels of judgement and the burden of proof which rests solely on the complainant. The new provisions introduced a simplified procedural rules for legal action, by making it possible for a victim to go to court without necessarily having to do so through a lawyer. Besides, the decision by the presiding judge is immediately executable, thereby reducing the time victims have to wait in order to get redress for discrimination suffered.

The above Act prohibited, through private law, direct and indirect discrimination by individuals and public authorities and included nationality among grounds of discrimination prohibited by law. These provisions included a civil action against discrimination on grounds of racial or ethnic origin and a set of remedies for victims including the award of compensation for moral

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<sup>70</sup> Written by Udo C. Enwereuzor, COSPE.

<sup>71</sup> ECRI: Third report on Italy, p.8

damages (or non-pecuniary damages), a possibility which in Italian law is otherwise restricted to criminal law. In various respects, the above provisions anticipated some of the requirements of Council Directive 2000/43/EC<sup>72</sup>.

Case law based on the above provisions is still limited in number though it has increased constantly beginning from 1999<sup>73</sup> when the first ruling was handed down. The low number of legal actions taken against cases of discrimination under the terms of the above provisions is partly explained by the little knowledge most victims of discrimination had of the existence of such new opportunities. The increase in the number of cases in successive years has occurred alongside increased efforts by civil society actors to inform victims of discrimination of the new legal instruments they can use to protect their interests.

The transposition of Council directive 2000/43/EC into national legislation in 2003<sup>74</sup> did not change the above situation significantly as far as civil and administrative procedures for countering discrimination are concerned. While it did not unify the pre-existing provisions with those in the transposition instrument into one single anti-discrimination act, it does explicitly state that the procedural rules outlined under article 44 of the Unified Immigration Act are to be applied to proceedings under the provisions of the new decree<sup>75</sup>. Furthermore, the new decree reaffirms the possibility for a victim of discrimination in the area of employment to accede to conciliation procedures as provided for in the collective agreement of the sector or, in accordance with article 410 of the code of civil proceedings or, in the case where the employer is a public administration, in accordance with article 66 of Legislative Decree 165/2001.

#### 4.1.2 Changes in the availability of legal assistance to victims.

Until 2004, there was no legal assistance to victims of discrimination from public bodies. While the anti-discrimination provisions described in the previous paragraph provided for regional equality bodies charged with monitoring discrimination based on racial or ethnic origin, providing information and legal assistance to victims of such discrimination, it was not until April 2004 that the first anti-discrimination centre became operative at a provincial level. Later in the same year and following the transposition of the

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<sup>72</sup> Simoni, A. (2003) *Executive Summary on race equality directive. State of play in Italy*, 17<sup>th</sup> October 2003.

<sup>73</sup> Mughini L. (2000) "Prime riflessioni a margine dell'ordinanza del Tribunale di Firenze in materia di azione contro la discriminazione razziale", in: *Diritto, Immigrazione e Cittadinanza*, 2000, p.82.

<sup>74</sup> Italy / Legislative Decree nr. 215 (09.07.2003), in: Official Gazette nr. 187 of 13<sup>th</sup> August 2003.

<sup>75</sup> Italy / Legislative Decree nr. 215 (09.07.2003); article 4 (1) states that: "the defence of rights against acts of discrimination and discriminatory behaviour outlined in article 2 will take place following the procedures provided for under article 44 (1)(6)(8) and (11) of the Unified Immigration Act".

equal treatment Directive 2000/43/EC, the central Government setup a national *Office for the promotion of equal treatment and removal of discriminatory acts based on race or ethnic origin*, which among other things, is mandated to provide legal advice to victims. In its report released in March 2006 on the first year of activity, the above office – UNAR – reported that it did not take any legal action nor provide legal assistance on any of the cases reported to it during such period. Rather, it undertook only informal conciliation initiatives in order to find solutions to some of the cases brought before it.

On the contrary, the existing regional or provincial anti-discrimination centres (Pistoia Province in Tuscany region and the Autonomous Province of Bolzano and South Tyrol) have, within the short time in which they have been operative, assisted some victims to challenge the discrimination they suffered in court or offered advice on costs and benefits of taking legal action in some of the cases of discrimination reported to them. Both centres sent some of their personnel to EU level seminars and training sessions on strategic litigation, in a move to boost their capacity to assist victims. There are signs that all the public bodies mentioned above and new anti-discrimination centres to be created will work to improve on their mandate to provide legal assistance to victims of discrimination. This future trend will be as a result of increased demand from victims as knowledge of the existing legal protection provisions broaden and also as a result of increasing public opinion pressure on the national equality body to act effectively to counter cases of discrimination reported to it.

Many NGOs across the country have, over the last five years, developed the professional capacity to assist victims of race / ethnicity-based discrimination but few have been effectively able to do so. The availability of legal assistance from NGOs in terms of bearing the cost of legal action for victims who can not afford to do so on their own, can be characterised as being dependent on financial resources provided by national or EU projects that have a limited duration in time. This has had serious implications for the continuity of such support activities. What most NGOs have offered on a regular basis has been legal advice, without actually standing in litigation on behalf of victims.

#### 4.1.3 Changes in the success rates of litigation due to the new aspects introduced by the Race Equality Directive.

It is not yet possible to compare the success rates of litigation before and after the transposition of the equal treatment directive, due to lack of systematically collected data on the subject for both periods. In general, the number of cases of discrimination brought before the tribunals is still quite low and almost all available jurisprudence on the subject is based on the anti-discrimination provisions contained in the 1998 Unified Immigration Act. There seems to be a growing number of victims of discrimination who show interest in receiving information on how to use existing legislation to get redress for discrimination suffered. This aspect suggests that initiatives to inform target groups on available means of protecting their rights are beginning to produce positive effects.

It should be pointed out that the burden of proof was not shifted from the plaintiff to the respondent as is the case in gender equality legislation, where a clear-cut formula is used. Instead, the decree transposing the equal treatment directive provides for a partial easing of the burden of proof, which requires that the plaintiff produce factual elements that are “serious, exact and consistent” showing that discrimination has occurred and such elements are then left to the judge to evaluate according to the rule of the Civil Code allowing for a “prudent appreciation” of presumptions<sup>76</sup>.

#### 4.1.4 Changes in the legal understanding of and approach to racial harassment.

A major change (in the form of additions) to the 1998 anti-discrimination provisions has been the definition and prohibition of racial harassment. The transposition decree slightly modified the definition of harassment contained in the Directive by saying that the unwanted behaviour must have the effect of “creating an intimidating, hostile, degrading, humiliating *and* offensive environment”, while the Directive says “..... *humiliating or offensive ...*”). If taken seriously, this difference could have some implications for interpretation<sup>77</sup>. There is no jurisprudence yet that refers to the definition and prohibition of racial harassment introduced into national legislation.

There is no systematically collected data on the annual number of legal procedures regarding discrimination based on racial or ethnic origin. According to information provided to ECRI by the Government in 2005, comprehensive data covering all levels of the justice system are not readily available.

The only official source of publicly available information is the criminal justice statistics published by the National Institute of Statistics (ISTAT)<sup>78</sup>. Data by ISTAT on sentences on cases of racial discrimination under criminal law provisions, show that in 2002 28 sentences for racial discrimination were recorded while five such sentences were recorded in 2003.

According to the information provided to ECRI by the Government for its *Third Country Report*, there were three sentences for racially-aggravated offences in 2001, four such sentences in 2002, two in 2003 and none in 2004. The difference between the data from these two sources for the years 2002 and 2003 clearly illustrates the complex situation of data collection on racially motivated or aggravated offences.

#### 4. 2. Role played by EU, national or local policies

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<sup>76</sup> Simoni A. (2003): op.cit.

<sup>77</sup> Simoni A. (2003): op.cit.

<sup>78</sup> Istat (2004) *Statistiche giudiziarie penali. Anno 2002*, (Criminal justice statistics, year 2002) Roma: Istat; Istat (2005) *Statistiche giudiziarie penali. Anno 2003*, (Criminal justice statistics, year 2003) Roma: Istat. For more details see the Racist Violence and Crimes chapter.

The role played by EU policy in shaping developments at national level during the reference period has come mainly by way of the transposition of the equal treatment directive. In general terms, the EU Action Programme to Combat Discrimination has contributed to raising awareness amongst various actors at the national level, on the need to fight discrimination. Participation in EU transnational projects on exchange of experience and good practices has offered a good opportunity to many public and civil society actors to learn more about the issue and acquire new competences on how to tackle it. On a different level, the transposition of the directive has led to some of the developments highlighted above.

While the anti-discrimination provisions introduced in 1998 go beyond the minimum requirements of the directive with regard to the grounds covered because they prohibit discrimination on grounds of nationality, the transposition has also improved on the situation in other aspects already mentioned above. The setting up of the national equality body – UNAR – has clearly been driven by EU policy as the 1998 legislation provided only for regional equality bodies and not a national one.

Other development such as those regarding jurisprudence have so far been driven by national policies and / or measures. Finally, the setting up of the few existing local equality bodies has been mainly due to action by various actors at the local level.



## 5. Education<sup>79</sup>

### 5.1. Data collections

There are no official data collections on incidents of racism and discrimination in education in Italy; at least not at a national level. This is not surprising as even in the field of education, awareness of racism and discrimination -and the mechanisms that produce and reproduce them - is not widespread and many professionals and policy makers might admit the existence of prejudice among a limited number of colleagues, but do not see it as a priority or as a major problem<sup>80</sup>. What is considered a priority is the development of strategies to integrate as quickly and as successfully as possible non-Italian students into formal education system.

So while direct discrimination is at times reported by the media, indirect and institutional discrimination have to be traced through a careful analysis of data and practices in education and of legislation and its impact.

The context in which discrimination and racism in education can develop is that of well established and stable educational systems, that have to adapt to a rapidly changing multicultural school population, the expression of a rapidly changing society.

Over the last five years information the presence of *non Italian pupils and students*<sup>81</sup> in Italian public and private schools and universities have been made more widely available. The most important sources, providing national data, are the annual surveys of the Ministry of Education, University and Research (MIUR), the national institute for statistics (ISTAT) and to a lesser extent, yearly statistical report on immigration by Caritas Rome. Further regional or local surveys are available and many local administrations and educational authorities have started to systematically collect data.

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<sup>79</sup> Written by Evert-Jan Hoogerwerf, COSPE.

<sup>80</sup> An interesting although not very recent research (1998) commissioned by the Fondazione Cariplo per le Iniziative e lo Studio sulla Multietnicità (ISMU) among 1894 primary school teachers has revealed that 60.5 per cent has never traced in colleagues attitudes of prejudice against non Italian pupils, 32.4 per cent only rarely. Giovannini, G. (1998) *Allievi in classe stranieri in città*, Milan: Franco Angeli.

<sup>81</sup> Throughout this chapter, the terms *non-Italian pupils or students* will refer to that part of the school population that does not have Italian citizenship. Citizenship of students or pupils is used as criteria by the Italian Ministry of Education (M.I.U.R.) for collecting and providing information on the presence of non-Italian pupils.

All sources show rapidly rising percentages of non-Italian children and adolescents in compulsory and non-compulsory education, amounting to 5 per cent of the total school population in the school year 2005/2006<sup>82</sup>.

Non-Italian students account 1.8 per cent of the total student population at high school level, a percentage that is gradually, though slowly, rising<sup>83</sup>. Only a relatively small part of this category of students are children of non-EU migrant workers and in the academic year 2002/2003 more than 30 per cent of them were from EU member states, a percentage that with the recent enlargement to EU-25, has certainly risen in the current school year.

Analysing data over the last five years other phenomena and trends can be observed. The territorial distribution of non-Italian pupils in public schools shows an unequal distribution between the North (66.20 per cent), the Centre (24.15 per cent) and the South and Islands of Italy (9.66 per cent) while the trend indicates a widening gap<sup>84</sup>. These data are in line with the data on the percentage of non-Italian pupils on the total school population across the various regions, with Emilia Romagna in 2005 scoring the highest percentage (8.40 per cent) and Campania scoring the lowest percentage (0.64 per cent) against the national average of 4.20 per cent<sup>85</sup>.

Further there is an unequal distribution between some territories, or even schools, and others, which indicates a concentration of immigrant families, and sometimes communities, in particular areas. For example the incidence of the non-Italian pupils on the total school population in the Province of Mantua rose between 2000 and 2004 from 3.4 per cent to 9.7 per cent, while in the same period in the Province of Milan, it grew from 6.2 per cent to 7.3 per cent<sup>86</sup>. As a result of cheaper housing, there is a movement of families with children towards smaller towns and villages. This has led to an increase of the total school population in many such towns and villages and relatively high percentages of non Italian pupils.

The percentage of non-Italian students in upper secondary schools is increasing and this is partly confirmed by the data showing that the average age of the non-Italian school population is rising. All available data show that many non-Italian pupils are oriented towards vocational education, probably due to language skills and professional life expectations. Nevertheless many schools report

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<sup>82</sup> At the moment of writing this report precise data concerning the school year 2005/2006 are not yet available but in a recent policy document, MIUR reports in absolute numbers an increase of 60.000 pupils/students a year over the last three school years, surpassing the absolute number of 400.000 pupils/students and the percentage mentioned. MIUR - Ufficio per l'integrazione degli alunni stranieri (2006), *Linee guida per l'accoglienza e l'integrazione degli alunni stranieri*, Rome: MIUR.

<sup>83</sup> MIUR (2005) *University in figures*, Firenze: Le Monnier.

<sup>84</sup> The percentages refer to school year 2004/2005. MIUR (2005) *Alunni con cittadinanza non italiana. School year 2004/2005*, Rome: MIUR.

<sup>85</sup> MIUR (2005) *Alunni con cittadinanza non italiana. School year 2004/2005*, Rome: MIUR.

<sup>86</sup> Besozzi, E., Tiana, M.T. (2005) *Insieme a scuola 3. La terza indagine regionale*, Milan: ISMU.

difficulties in supporting their students and the need for adequate policies for the inclusion of these students in vocational and higher education and in the transition from education to work is widely reported by educators.

The above mentioned data collections have been fine tuned over the last five years and the recent data coming from MIUR provide some indications on the school success (expressed in percentages of students promoted) of non-Italian pupils compared with Italian pupils. (See 5.2.a. for more details).

## 5.2. Discriminating policies and practices

Over the years rather appropriate legislation and policy orientation have provided solid bases for the development of non-discriminatory practices in schools. Nevertheless their impact on the situation “in the field” is subject to discussion and debate between researchers and experts that see progress on the one hand and those that see shortcomings in the response of the educational sector in gearing the system towards the needs of a multicultural society, on the other hand. Further, not many schools have grasped the opportunity offered by this legal and conceptual framework to develop specific codes of conduct or codified practices in the field of anti-discrimination.

### 5.2.a. Access to education

Italy has a long standing tradition in an inclusive public education system and many professionals working in the field are proud of these characteristics. For many decades, children with special needs (disabilities) have been in mainstream schools, supported by special teachers that officially are assigned to the class and not exclusively to the child with disability.

Access to education is considered by Italian law on the one hand a “right” and on the other, as an “obligation”<sup>87</sup>. These principles are explicitly extended, by law, to non-Italian minors present in Italy. The law permits schools to enrol pupils whose parents or caretakers do not have a legal title to stay and many of them exercise these rights. Fortunately this is not only a “tolerated” practice, but an official policy and recent guidelines of the Ministry of Education have provided school administrators with the necessary indications on how to deal with similar cases<sup>88</sup>.

Although formally access to education does not seem to be a problem, in practice episodes involving individuals or groups of children of non-Italian origin experiencing difficulties in access to public education continue to be reported.

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<sup>87</sup> Italy / Act nr. 144 of 1999, confirmed and enforced by Italy / Legislative Decree nr. 76 (15.04.2005).

<sup>88</sup> MIUR - Ufficio per l'integrazione degli alunni stranieri (2006) *Linee guida per l'accoglienza e l'integrazione degli alunni stranieri*, Rome: MIUR.

For example during the school year 2002/2003 more than 200 Chinese children of the Fifth District of Florence risked being left out of schools as some school authorities put limits on the number of non-Italian pupils admitted per class.

In some cases, schools located in the same area agreed on distributing non-Italian pupils across the different schools. This practice is a discriminatory measure, as school enrolment in Italy is based on the street directory, which is motivated as “a survival strategy for the benefit of all, including the children”. Enrolling pupils in schools nearest to their homes is supported and enhanced in recent policy documents by the Ministry of Education and local authorities often collaborate by providing transport.

Once enrolled an important indicator for equal opportunities is school success.

Non-Italian students are found to record a lower success rate than their Italian mates at all school levels as outlined in Table 4.

Table 5 - Italian and non-Italian pupils promotion rate (school year 2003/2004)

<b>School levels</b>	<b><i>Italian pupils (IP)</i></b>	<b><i>Non-Italian pupils (N-IP)</i></b>	<b><i>Difference between IP and N-IP</i></b>
Primary school	99.55	96.19	<b>3.36</b>
Lower secondary school	96.06	89.00	<b>7.06</b>
Upper secondary school	85.22	72.66	<b>12.56</b>

Source: MIUR (2005) *Indagine sugli esiti degli alunni con cittadinanza non italiana. School year 2003/2004*, Rome: MIUR.

As an explanation of this lower success rate, MIUR asserts that “the school career of non-Italian pupils is more complicated than that of Italian students, because the former often arrive after the age of six years and, due to language difficulties, cannot be admitted into a class of pupils of the same age.” This difficulty is said to persist year after year. A consequence of this is that 34.7 per cent of non-Italian pupils in the fifth year in primary school were, in their school career, years behind where they should have been.

Table 6 - Percentage of Italian and non-Italian pupils who are in classes lower than their age, at different primary level classes – school year 2004/2005

<b>Class</b>	<b>Italian pupils (%)</b>	<b>Non-Italian pupils (%)</b>
1°	1.3	11.7
2°	1.4	16.7
3°	1.7	23.8
4°	1.9	29.4
5°	2.4	34.7
<b>TOTAL</b>	<b>1.7</b>	<b>23.0</b>

Source: MIUR (2005) *La scuola in cifre*, Firenze: Le Monnier.

These figures are in contrast with the stated policy of the Ministry of Education which in the recent guidelines confirm the importance of the general criteria established in 1999 by Presidential Decree 394, to enrol non-Italian pupils in classes according to their age<sup>89</sup>.

There is very little data collected by national educational authorities on the participation of Roma/Sinti/Travellers in education. While the Ministry of Education has been collecting and publishing data regularly on the presence of non-Italian pupils in schools since 1996/97 school year, the only available specific information on the above groups dates back to a survey carried out during the school year 1999/2000<sup>90</sup>. According this survey, there were 8,982 Roma/Sinti pupils registered in state schools; 75 percent of these were either at the nursery level (19.07 per cent) or in elementary schools (56.78 per cent); about 19.68 per cent were at lower secondary schools and less than 5 per cent were in upper secondary schools. Besides, most of the registered Roma/Sinti pupils were concentrated in the first few years at each school level and drop-out rates and disaffection become higher in successive grades. A survey carried out in 2000 by an NGO *Opera Nomadi*<sup>91</sup>, one of the oldest support organisations working with Roma populations, put the population of minors in Roma/Sinti communities at the time at about 66,000 of which 22,000 were aged 0 to 5 years, 30,000 were aged 6 to 14 years and 14,000 were aged 15 to 18 years. Using the above figures and the total number of Roma/Sinti pupils registered at the different school levels in the same period, it follows that disaffection and/or drop-out involved about 73,2 per cent of those of primary school age and 84.6% of those of lower secondary age.

With regard to attendance and achievement, Roma/Sinti children record good levels of attendance at pre-primary school while it becomes quite irregular beginning from the primary level. Attainment is very low: a study by *Opera Nomadi* of Roma/Sinti children in Milan showed that 15.2 per cent of those enrolled in the first grade fail (they receive an evaluation that is insufficient to be promoted to the next class); 35 per cent do not receive any evaluation at all; 6 per cent receive a positive evaluation (*good*) leading to promotion to next grade, and 1 per cent obtain an excellent score.

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<sup>89</sup> MIUR - Ufficio per l'integrazione degli alunni stranieri (2006) *Linee guida per l'accoglienza e l'integrazione degli alunni stranieri*, Rome: MIUR.

<sup>90</sup> Ministry of Education, University and Research (M.I.U.R.) (2000): Indagine sugli alunni appartenenti a comunità nomadi. Sintesi conoscitiva dei principali dati, Roma: MIUR, (*Survey of pupils belonging to Roma/Sinti communities. Informative summary of main findings*, MIUR, Rome).

<sup>91</sup> Opera Nomadi (2000) "Appunti relativi all'indagine sugli alunni appartenenti a Comunità Rom effettuata dal Ministero della Pubblica Istruzione/Servizio per l'automazione informatica e l'innovazione tecnologica – ufficio di supporto alle decisioni – Ottobre 2000", in: Opera Nomadi, *Situazione giuridica dei rom, sinti e viaggianti in Italia*, Documento per servizio Studi – Camera Deputati, Roma – 15.06.2001.

Table 7 – Roma/Sinti pupils in State schools by grade, 1999/2000 school year.

<i>Type of school</i>	<i>Class or grade</i>	<i>Roma / Sinti</i>	<i>Percentage distribution of Roma/Sinti pupils by class or grade</i>	<i>Percentage distribution of all pupils by grade or class</i>
Primary	One	1.285	25,20	19,21
	Two	1.069	20,96	20,18
	Three	969	19,00	20,18
	Four	910	17,84	20,32
	Five	867	17,00	20,11
	<b>Total</b>	<b>5.100</b>	<b>100,00</b>	<b>100,00</b>
Lower secondary	One	965	54,58	34,82
	Two	466	26,36	32,87
	Three	337	19,06	32,32
	<b>Total</b>	<b>1.768</b>	<b>100,00</b>	<b>100,00</b>
Upper secondary	One	362	90,27	-
	Remaining years	39	9,73	-
	<b>Total</b>	<b>401</b>	<b>100,00</b>	-

Source: Ministry of Education, University and Research (MIUR)

## 5.2.b. Segregation

Separate classes or schools for non-Italian children are, for the moment, conceptually too distant from dominant thinking in education in Italy to be seriously taken in consideration. This does not mean that the topic does not once in while appear in public debate, especially at the start of each school year when groups of newcomers have to enter Italian schools for the first time<sup>92</sup>. More than on separate classes or even schools, the discussion tends to focus in such cases, on the need for intensive language courses, provided inside or outside the school, as a full or part time option. In some municipalities, the authorities have chosen to support schools by creating language learning centres where children from different schools are brought together during some hours of the day. The staff of these centres are trained in an intercultural approach to second language teaching. Pupils however are registered in a precise class and a

<sup>92</sup> At the beginning of the 2005/2006 school year, two members of Parliament from the Northern League proposed a new legislation that will allow the establishment of separate classes for non-EU pupils before they are admitted into public school. The proposal was said to have been motivated by the lowering standards among Italian pupils due to the presence non-EU mates who take up most of the teacher's time as a result of their language difficulties. The proposal was strongly criticised by other political groupings and educators. See: "Scuola, stranieri in classi separate!" ("School: foreigners should be put in separate classes!"), in: La Repubblica, (29.09.2005).

given school and from the very first day of their entry, participate in some subjects and activities and interact with their Italian peers.

A research by MIUR published in 2001 surveyed the opinion of school heads on the chances of non-Italian children to be fully integrated<sup>93</sup>. The interviewed were mostly positive about the integration chances of non-EU Europeans (80 per cent), while 69.4 per cent was positive about the chances of the pupils of North African origin. The lowest percentage (59.1 per cent), was referred to pupils from Sub-Saharan Africa. In the same research opinions were asked about the position of Roma minors. The attitude of many respondents was extremely negative, motivated by their believe that the Roma are neither interested nor capable of integrating into the dominant culture. Throughout the survey, it was only for the Roma that the proposal for separate classes was made. An important policy initiative was taken in 2005. A protocol of agreement was signed between Opera Nomadi (an NGO that has always supported Roma, Sinti and Traveller populations in Italy) and the Ministry of Education. The Ministry committed itself to undertake actions aiming to support the successful integration of Roma children in mainstream schools and at monitoring and combating early school drop-out among this group<sup>94</sup>. At the moment of writing, no data was yet available on the impact of this agreement.

An issue related to segregation that rouse public interest and debate in and outside the media was the proposal in 2005 of an Islamic Cultural Centre in Via in Milan, to set up a separate class for a group of 20 Muslim pupils who were to enter the Italian public education system for the first time, after going through primary and middle school at the Cultural Centre. An agreement reached with a local public high school was annulled by the Ministry of Education and the project abandoned, amidst claims that the Centre was operating against the integration of Muslims into Italian society and as such, a breeding ground for future Muslim fundamentalists. Teachers in at the Centre, who are all Muslims, were alleged to be religious authorities rather than subject-based teachers.

### 5.2.c. Mother tongue instruction

In the last five years there are no significant steps forward made in the debate on mother tongue instruction. The educational system clearly focuses on the learning of Italian and on other European languages. First language learning or maintenance is considered important for cognitive and affective reasons, but is generally not considered a task of the Italian public school, if not by supporting and networking with other actors<sup>95</sup>. Generally peers speaking the same language can use this language freely in the school or while playing. In some cases peers

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<sup>93</sup> MIUR - Dipartimento per lo Sviluppo dell'Istruzione (2001): *Le trasformazioni della scuola multiculturale*, Rome: Agenzia per la Scuola, June 2001, Research Report.

<sup>94</sup> The Protocol was signed on the 26<sup>th</sup> of June 2005 during the national assemble of Opera Nomadi in Rome.

<sup>95</sup> MIUR, Ufficio per l'integrazione degli alunni stranieri (2006) *Linee guida per l'accoglienza e l'integrazione degli alunni stranieri*.

are used to introduce new comers in the classroom and in the learning programmes.

There are self-organised community-based education centres run by Muslims in different cities. These centres started activity with the explicit aim of teaching mother language, Arabic in particular, to pupils from Muslims families and in some cases, prepare them to sit for examinations at various school levels in the country of origin. A number of centres of this type in such major cities as Milan, Turin, Rome and Naples have come under Islamophobic attacks in recent years and some local administration, in particular those headed by centre-right coalitions, have on various occasions tried to closed them down, officially on grounds of the inadequacy from a public security point of view, of the buildings where they are located.

#### 5.2.d. Other policies or practices

During the last five years, there have been recurrent public debates on the teaching of Catholic religion and display of religious symbols in public schools, mainly fed by single episodes and always against the background of the growing presence of non-Catholic pupils. What is seen by many as an intrusion of religion into the public sphere of life, including many judges, is seen by others as part of a cultural identity and heritage that, they say, characterises Italy.

#### 5.3. Particular issues related to discrimination or exclusion

Some issues related to discrimination and exclusion of non-Italian children have started to attract the interest of researchers and policy makers. For example the theme of child labour in relationship to immigration was explored in a report published in 2004. The report interprets and comments on results of a 2002 report by ISTAT on child labour in Italy. There are no reliable quantitative data available but the results of in-depth interviews give a fairly good overview of the situation. Especially children and adolescents of Chinese and Moroccan origin are integrated into family economies and often have to combine school with work<sup>96</sup>.

Educational disaffection by adolescents of migrant origin is, in some reports, associated with expectations, interaction with Italian peers and the experience of racism and violence<sup>97</sup>. This field of research needs to be further explored, given that it may be linked to early school leaving.

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<sup>96</sup> Centro Nazionale di documentazione e di analisi per l'infanzia e l'adolescenza, Ministero del Lavoro e delle Politiche Sociali (2004) *Bambini e adolescenti che lavorano. Un panorama dall'Italia all'Europa*. Firenze: Istituto degli Innocenti.

<sup>97</sup> Omodeo, M. (2003) "Il disagio degli adolescenti d'origine cinese della Piana Fiorentina e di Prato", in: *Il re e il folle. Obiettivo sulla psicopatologia penitenziaria e trasgressiva*, nr. 21, 22 and 23.



An entire new field of research and action is related to the position of non-Italian children with disabilities in education and the risk that for some children understandable temporary communication difficulties are mistaken for learning disabilities.

The concerns expressed by the authors of the *Report on the conditions of children and adolescents in Italy-2000*<sup>98</sup> that the rights of non-Italian minors were not sufficiently guaranteed, was underpinned by a research of the *Istituto degli Innocenti* on behalf of the Ministry of Labour and Social Policy: the percentage of minors of foreign origin living in hostel or collective homes in 2003 was up to 17.6 per cent of the total population, with a strong concentration in Rome (50 per cent) and in the Lombardy Region (46.8 per cent). Other data show that their average period of permanence in these hostels is longer than that of Italian peers. In the case of young children the principal reasons for living in hostels have to do with the economic and social situation of the parents who in many cases live with their employers (care workers). In the case of adolescents, the main reasons are related to neglect, physical and sexual abuse and abandonment<sup>99</sup>.

#### 5.4. Good practices and their impact

Compared to the end of the '90s, there are more good practices available. An increasing number of people are engaged in the field of intercultural education, linguistic and cultural mediation and the teaching of Italian as a foreign language. The integration of non-Italian children is high on the agenda of many schools, local authorities, NGOs, and the number of schools that do not include intercultural activities in their "*Piano di Offerta Formativa*" (Educational Offer Plans) is rapidly declining.

The need for "solutions" is high among school administrators and teachers and therefore publications, didactic tools and web sites are frequently consulted. An interesting development is the appearance of research into good practice. For example the Ministry of Education has recently issued a report on the integration of foreign pupils, mapping a great number of projects and experiences<sup>100</sup>. Another important example is the work of the *Osservatorio regionale per l'integrazione e la multiethnicità* of the *Fondazione ISMU* in Milan. In a recent publication good practice is not only described, but analysed and

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<sup>98</sup> Presidenza del Consiglio dei Ministri – Dipartimento per gli affari sociali, Osservatorio Nazionale per l'Infanzia, Centro Nazionale per la documentazione e analisi per l'infanzia e l'adolescenza (2001) *Non solo sfruttati o violenti. Bambini e adolescenti del 2000. Relazione sulla condizione dell'infanzia e dell'adolescenza in Italia*.

<sup>99</sup> Centro Nazionale di documentazione e analisi per l'infanzia e l'adolescenza, Ministero del Lavoro e delle Politiche Sociali (2004) *I bambini e gli adolescenti negli istituti per minori*. Firenze: Istituto degli Innocenti.

<sup>100</sup> MIUR (2005) *Rapporto sull'integrazione degli alunni stranieri*, Rome: MIUR.

evaluated<sup>101</sup>. Other initiatives are small scale, referring to specific territories, providing monitoring and support activities for schools and local authorities.

Most of the initiatives and good practices in the educational sector refer though to teaching and / or learning Italian as an additional language and intercultural education. There is evidence of a large number of initiatives and practices of the above kind but very few provide evaluations of their effectiveness. In spite of this, there is every indication that language teaching and learning will remain at the centre of public policy to fight educational disaffection, high drop-out rates and lower performance by non-Italian pupils.

A number of awareness raising initiatives or projects aimed at fostering a positive climate that favours learning in a multicultural context, were carried out nationwide during the reference period. As far as the Holocaust is concerned, according to a study published by Osce – Office for Democratic Institutions and Human Rights (ODIHR)<sup>102</sup>, a high percentage of schools have included this topic in their curricula, partly inspired by competitions organized by the Ministry of Education and Research and the Union of Italian Jewish Communities. Teacher training courses are organized mostly by NGOs, private institutions and some Italian regions. Holocaust Remembrance Day is commemorated on 27<sup>th</sup> January in many schools.

Since 1993, there have been interventions for the schooling of Roma and Sinti children. With the aim of ensuring mutual respect and exchange between the different cultures, over the past few years, Roma/Sinti cultural mediators have been trained in various cities to work in schools<sup>103</sup>. In order to promote school attendance of Roma children and adolescents, in the city of Rome a specific support service that entailed accompanying Roma / Sinti pupils to school, using public transport made available by the municipal authority, was organised. For adolescents who have not attended a regular school scheme, some individual educational projects have been carried out to promote their inclusion in the social and working contexts.

The main source of data on education of non-Italian minors is the Ministry of Education and it is gradually increasing the types and quality of data it provides on the phenomenon. An example of a new additional information the ministry now makes available is data related to educational performance.

## 5.5. The role of policy making institutions

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<sup>101</sup> Besozzi, E. (2005) *I progetti di educazione interculturale in Lombardia: dal monitoraggio alle buone pratiche*. Milan: ISMU.

<sup>102</sup> OSCE ODIHR (2006) *Education on the Holocaust and on anti-Semitism*, Warsaw: Osce/Odihr.

<sup>103</sup> A pilot experiment was carried out in Milan with 11 mediators and was later extended to other cities (Rome, Turin, Mantova).

In Italy the State has always had an important impact on education, directly providing compulsory education for all children up to 14 years (16 years since the latest school reform) resident in the country.

Since the beginning of the '90s, the competent national authorities have focussed on inclusive and intercultural education as guiding principles in dealing with the multicultural change in the population of schools<sup>104</sup>.

The framework for intercultural education and the right/obligation of non-Italian pupils to education was finally integrated into national legislation in the 1998 Immigration Act<sup>105</sup>. Even the Immigration Act of 2002, better known as the *Bossi/Fini* Act that in many aspects is more restrictive than the previous one, did not alter the procedures for the enrolment of pupils in schools.

Important new developments of the recent past have been the introduction of a major autonomy of state schools in dealing with organisational issues, including the integration of non-Italian pupils<sup>106</sup>, the introduction, if appropriate, of personalised study plans and programmes<sup>107</sup> and the affirmation of the vision of education as a right/obligation open to all minors, including non-Italians present on the territory of the Italian State<sup>108</sup>.

The increased autonomy of schools and the need for additional resources has favoured the development of collaborations between local authorities and schools. Participation in education is seen as an important factor for integration and many local authorities try to reduce the social impact of the presence of the new residents in the community by supporting local schools.

An important document was published by the Ministry of Education in April 2006. The document entitled "*Guidelines for the reception and integration of foreign pupils*" -, contains references to legislation and provides operational indications for school administrators and teachers. The document is a step forward in the definition of a national "model" that in many respects is unique in Europe, for example in the promotion of the figure of linguistic and cultural mediators. Based as it is on an intercultural model for education there is no particular attention for discrimination and/or racism.

There is not much evidence that developments in this field are driven by EU policy. The most influential policy initiatives are those of the central government followed by initiatives by local authorities.

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<sup>104</sup> Italy / Ministerial circular nr. 301 (08.19.1989); Italy / Ministerial circular nr. 205 (26.07.1990); Italy / Ministerial circular nr. 73 (02.03.1994).

<sup>105</sup> Italy / Legislative Decree nr. 286 (25.07.1998).

<sup>106</sup> Italy / Presidential Decree nr. 275 (08.03.1999).

<sup>107</sup> Italy / Law nr. 53 (28.03.2003).

<sup>108</sup> Italy / Legislative Decree nr. 76 (15.04.2005).

## 6. Racist violence and crimes<sup>109</sup>

### 6. 1. Trends in racist violence and crimes

Systematic surveys, research findings, statistical data and official figures – on the specific subject of racist violence and crime – for the period 2000-2005 have been few and far between. All the research published throughout this time has not been homogenous, both from a methodological point of view and as well as definitions used and categories of victims covered. Given the impossibility of determining objective criteria for the comparison and analysis of these reports, it becomes somewhat difficult to give an accurate answer to the question of whether violence and racist crime has increased or decreased during the reference period. There is, in fact, no standardised study – from either official sources or unofficial ones – that covers all five years, and that employs a valid objective criterion for the period under consideration. Most of the data on reported episodes of racist violence and crime have been gleaned from press reports, publications by anti-racist organisations, national and international reports and local dossiers. According to a review of anti-discrimination monitoring projects in Italy<sup>110</sup>, these initiatives are not uniformly distributed throughout the various regions and there is a total lack of coordination between them. The upshot of these investigations is a picture that is characterised by: a) projects of limited duration rather than permanent monitoring; b) lack of continuity of funding; c) limited commitment by local bodies; d) lack of co-operation from law enforcement agencies<sup>111</sup>. Consequently these projects do not provide an overall, general or long-term picture of the Italian situation with regard to the diffusion of discrimination and racist violence.

The data that is available to us in order to compare the episodes during the period 2000-2005 is limited and, as discussed above, fails to satisfy any conditions of objectivity. The presentation of this information, gleaned mostly from press sources and in chronological order, is intended to outline the most significant monitoring endeavours. It should be noted that the media do not constitute appropriate sources of information for the purposes of determining the extent of the phenomenon. In fact, the media tend predominantly to «report those cases that make the greatest impact (usually violent and dramatic events), ignoring the day-to-day cases of discrimination and ordinary racial harassment, and thus offers a limited picture of the phenomenon»<sup>112</sup>. One significant

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<sup>109</sup> Chapter written by CESTIM.

<sup>110</sup> Pirazzi, M., Pozzoli, L. (ed.) (2002), *Osservatori sulla discriminazione sulla base della "razza", dell'origine etnica e della religione*. Available at: <http://www.immigra.net/database/scheda.php?id=186> (18.05.2006)

<sup>111</sup> *Ibidem*, p. 10.

<sup>112</sup> *Ibid.*, p. 9.

development has emerged over these last few years and it is the increasing number of victims who have decided to make their experiences of discrimination public either by taking legal action or by reporting to the press, in spite of the social stigma and the added suffering that often accompany making a public denunciation of a case of discrimination.

1. January 2001 – December 2002.

Italy: cases of racist violence against foreigners, taken from eighteen different daily newspapers<sup>113</sup>.

Table 8 – Italy: cases of racist violence (January 2001 – December 2002)

Year	2001	2002
Number of Cases	83	92

The «Report on Violence Against Foreigners in Italy» has been compiled from research carried out by the Faculty of Communications Science of the University in Rome - La Sapienza. Every article on the subject of acts of violence against foreigners that appeared in eighteen daily newspapers in twenty different regions of Italy during the period January 2001-December 2002 was monitored. During 2001, 253 cases of violence were identified (of which 83 were aggravated by the racist nature of the attack) and during 2002, there were 266 cases (of which 92 were aggravated by the racist nature of the attack). The above research does not offer any indication of definitions used or how the racist nature of a given crime was determined.

The three breakdowns that follow were taken directly from the analytical studies into racist violence and crime in bulletins Raxen 4, Raxen 5 and Raxen 6.

2. September 2002 – September 2003.

Information published by some daily newspapers and websites on physical, symbolic and verbal racist violence<sup>114</sup>.

Table 9 – Italy: cases of racist violence (September 2002 -September 2003)

Verbal Violence	40
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<sup>113</sup> Cf. Abruzzese, A., Manconi, L., Sorice, M., (2003), *Questione di pelle. La rappresentazione giornalistica dell'intolleranza. Quinto rapporto sulla violenza contro gli stranieri in Italia*, Rome: Centro Ricerche Studi Culturali. Data in Table 1 came from the total number of violent acts provided in the report.

<sup>114</sup> COSPE - National Focal Point Italy, *Raxen 4. Analytical Report on Racial Violence and Crime in Italy*, September 2002-September 2003. The sources are the daily newspapers "Il Manifesto", "Liberazione" and "L'Unità", from a daily screening of news coverage. Some of the information came from other sources that were not examined systematically such as: the national press agency ANSA, the daily newspapers "La Nazione", "La Repubblica", "Il Corriere della Sera", "La Stampa", "Il Nuovo". A number of cases were taken from various websites and on-line versions of some daily newspapers.

Physical Violence	48
total	88

3. September 2003 – August 2004. Information published by some daily newspapers and websites on physical, symbolic and verbal racist violence<sup>115</sup>.

Table 10 – Italy: cases of racist violence (September 2003 – August 2004)

Verbal Violence	57
Physical Violence	34
total	91

4. August 2004 – September 2005.

Information published by some daily newspapers and websites on physical, symbolic and verbal racist violence<sup>116</sup>.

Table 11 – Italy: cases of racist violence (August 2004 – September 2005)

Verbal Violence	60
Physical Violence	40
Discrimination and Violation of Human Rights	15
total	115

A comparison between this data and that of the previous year shows an increase in political discourse – at both local and national level – with racist content, of episodes involving minors, acts of aggression, demonstrations and political events with a racist connotation.

There is little in the way of data from official sources for the period 2000-2005. Requests for data meet with differing response depending on where such requests come from. In response to a request for racist violence data from the

<sup>115</sup> COSPE - National Focal Point Italy, *Raxen 5. Analytical Report on Racial Violence and Crime in Italy*, September 2003-August 2004. The sources are the daily newspapers “Il Manifesto”, “Liberazione” and “L’Unità”, “Il Gazzettino di Padova”, “Il Messaggero”, La Repubblica”. Some information was also drawn from other sources such as the national press agency ANSA and the websites of Amnesty International and Stranieri in Italia.

<sup>116</sup> COSPE - National Focal Point Italy, *Raxen 6. Analytical Report on Racial Violence and Crime in Italy*, September 2004-September 2005. The sources are the daily newspapers “Il Manifesto”, “Il Corriere della Sera” and “L’Unità”, “L’Arena di Verona”, “Il Messaggero”, La Repubblica”, “La Padania”, “La Gazzetta di Parma” and “Il Corriere di Romagna”. Some of the information came from other sources such as the national press agency ANSA, the on-line newspapers <http://www.stranieritalia.it>; <http://www.meltingpot.org>; <http://www.ilpassaporto.it>.

National Focal Point in 2002<sup>117</sup>, the Ministry for Internal Affairs replied that there had been a 12% decrease in crimes of a racist nature compared to the previous year while crimes generically classified as “anti-Semitic” rose by 10%. This statement was not substantiated with data for the two years referred to nor was there any indication of how the data had been collected and the definitions used in doing so.

The only publicly available data by ISTAT (the National Institute of Statistics) comes in the form of a yearly publication on criminal justice statistics. The data contained in this yearly publication is usually two years old and as such, does not provide a correct image of developments per year. The information provided by ISTAT<sup>118</sup> is of two kinds as shown in the table below: the first is the number of complaints for which a legal action has been initiated under criminal law provisions and the second is the number of people sentenced for “racial discrimination”. The use of this latter term with reference to the criminal justice is not precise because criminal law provisions punish incitement to racial hatred and violence and racial motivation as an aggravating circumstance in the context of another crime.

Table 12 - Charges, crime complaints for which Judicial Authority has starter penal action And persons charged for racial discrimination – Years 2002- 2003.

Year	Charges			Crime complaints		Persons charged			
						Total		Minors	
	One crime	More than one	Total	Total	Unknown actors	M/F	F	M/F	F
2002	37	13	50	53	21	112	12	6	2
2003	44	15	59	64	35	100	10	7	-

Source: Istat (2004; 2005) *Statistiche giudiziarie penali*

Table 13 - Sentenced for racial discrimination by age and gender Years 2002 and 2003.

Years	Age class								Total	
	14-15	16-17	18-24	25-34	35-44	45-54	55-64	65 and more	MF	F
2002	-	-	17	9	1	1	-	-	28	1
2003	-	-	3	1	-	-	1	-	5	1

Source: Istat (2004; 2005) *Statistiche giudiziarie penali*

<sup>117</sup> Italy / Ministry for Internal Affairs, Central Directorate of the Prevention Police / Document No. 244/B1/16285. Request for data of 2002 by the European Monitoring Centre on racism and xenophobia (EUMC).

<sup>118</sup> Istat (2004) *Statistiche giudiziarie penali. Anno 2002*, (Criminal justice statistics, year 2002) Roma: Istat; Istat (2005) *Statistiche giudiziarie penali. Anno 2003*, (Criminal justice statistics, year 2003) Roma: Istat

The third is a report “on information and security policies” published by the Prime Minister’s Office, relating to the second semester in 2002, which contains a short paragraph on the “extra parliamentary Right”, devoted to the propaganda and racist violence of the radical right-wing<sup>119</sup>.

Lastly, the Inter-ministerial Commission for Human Rights – set up within the Foreign Affairs Ministry – in its response to ECRI on some recommendations set out in the Third Report on Italy<sup>120</sup>, submitted data on incidents of a racist, xenophobic and anti-Semitic nature reported by the law enforcement agencies and collated by the “Commission against Discrimination and Anti-Semitism” set up by the Ministry of Internal Affairs in 2004.

Table 14 – Italy: incidents of a racist, xenophobic or anti-Semitic nature. Reported by police forces (2002 – 2005).

Year	2002	2003	2004	2005*
Number of cases	67	83	45	23

Commenting the above information provided by the Government, ECRI notes that «While civil society organisations generally agree that serious offences motivated by racism, xenophobia and anti-Semitism are not prevalent in Italy, they have also consistently highlighted that these offences, including violence motivated by racism and xenophobia are under-reported. In particular, they stress that the racist or xenophobic dimension of offences is often neglected by the criminal justice system, and notably by the police, and that such offences are therefore, as a rule, dealt with as ordinary offences. This appears to be the case particularly when racism and xenophobia are not the only identifiable motives for the offence »<sup>121</sup>.

According to ECRI, there had been a rise in racist or xenophobic political discourse during the period 2000-2005. It noted in the Second Report on Italy published in 2001 that, «racist and xenophobic propaganda is disseminated through the use of written material such as posters and leaflets, but is also significantly present in the speech of public figures, including mayors and other elected representatives. In most cases non-European Union immigrants are

<sup>119</sup> One of only two passages on the subject in question talks of “enduring contacts with skinhead milieux which, especially in the North-East, have led to numerous gatherings – in which foreign militants took part – and intensified anti-immigration initiatives. The activist incidents against the non-EEC presence are of a particularly insidious nature, both in terms of violent confrontations against the opposite side, and in terms of dangerous suggestions of a xenophobic nature”; the other passage reveals the existence of “relationships between sectors of a ‘revisionist’ and ‘negationist’ nature and neo-Nazi foreign exponents, which might mean the existence, at European level, of a semi-clandestine network of an anti-American and anti-Jewish matrix”. Prime Minister’s Office (2002), *50° Relazione sulla politica informativa e della sicurezza. Secondo semestre 2002*, p. 5.

<sup>120</sup> ECRI (European Commission against Racism and Intolerance) (2006), *Third Report on Italy by the European Commission against Racism and Intolerance*, Strasbourg: Council of Europe, p. 22 and pp. 46-47.

<sup>121</sup> *Ibid.*, p. 22.



referred to in a way which is stereotyped, stigmatising and humiliating»<sup>122</sup>. Such propaganda mainly targets non-European Union immigrants, particularly those without legal status, but also members of other minority groups<sup>123</sup>. The report also singles out the political parties who display the greatest xenophobic tendencies: «ECRI registers here its concern at the influence exercised by these political parties on the whole political arena» and referring to the Lega Nord in particular, it goes on to say that «Exponents of the Lega Nord (Northern League) have been particularly active in resorting to racist and xenophobic propaganda, although members of other parties have also made use of xenophobic or otherwise intolerant political discourse»<sup>124</sup>.

In 2005, ECRI published a report on the electoral campaign themes during the European elections<sup>125</sup>. The analysis of the Italian situation quotes numerous examples of discourses by political leaders against refugees and immigrants, particularly those originating from Arab/Muslim countries. The parties quoted in the report are the *Libertà di Azione*, the Lega Nord and the Alleanza Nazionale.

According to the report by the International Helsinki Federation for Human Rights on the conditions of Muslims in countries of the European Union, published in 2005, attitudes of intolerance towards Muslim citizens have increased in Italy<sup>126</sup>. In particular, attention is drawn to an increase in negative coverage by the media and in discourses by some of the politicians belonging to the Lega Nord. In its latest Report on Italy, ECRI observed that «some members of the Northern League have intensified the use of racist and xenophobic discourse in the political arena. Although locally-elected representatives of this party have been particularly vocal in this respect, representatives exercising important political functions at national level have also resorted to racist and xenophobic discourse»<sup>127</sup>. The Report goes on to identify the groups at whom the racist and xenophobic discourses are directed: immigrants in particular, Muslim ones, Roma and Sinti .

## 6. 2. Developments in policy responses to racist violence and crime

Law 286/98 (“The unified Act containing the regulations concerning the discipline of immigration and rules on the conditions of foreigners”), subsection 12 of art. 44, decrees that the setting up of “Centres of observation, information and legal assistance” falls within the competence of the Regions.

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<sup>122</sup> *Ibid.*, paragraph 72, p. 23.

<sup>123</sup> *Ibid.*, paragraph 71, p. 23.

<sup>124</sup> *Ibid.*, paragraph 73, p. 24.

<sup>125</sup> ECRI (European Commission against Racism and Intolerance), Camus J. Y. (2005) *The use of racist, antisemitic and xenophobic arguments in political discourse*, Strasbourg: Council of Europe, March 2005.

<sup>126</sup> International Helsinki Federation for Human Rights (2005) *Intolerance and Discriminations against Muslims in the EU*, March 2005, Wien: IHF, <http://www.ihf-hr.org> (03.10.2005).

<sup>127</sup> ECRI (2006), cit., p.27.

Eight years after this law was passed, this provision is still rarely applied. Only two provinces have set up centres against discrimination based on ethnic or racial origin, nationality, religion or creed. The gathering of data pertaining to racist violence and crime continues on a rather fragmented basis, as discussed in paragraph 6.1 above. As yet, no system of coordination between the two Centres and UNAR (National Office against Racial Discrimination, see following paragraph) has been set up.

As far as initiatives aimed at the communities go, a Council has been set up which, although its very nature prevents it from taking any specific part in the fight against racism, might be seen as a significant reality with regard to the promotion of activities of a preventive and informative nature among Muslims in Italy. In September 2005, in fact, following a decree from the Ministry of Internal Affairs, the “Italian Islamic Council” was set up, made up of representatives and leading figures from the Italian Muslim world. «The Council undertakes research and investigations, drawing up studies and formulating opinions and proposals to be put to the Ministry of the Interior, with a view to fostering an institutional dialogue with the Muslim communities in Italy, investigating the problems of integration and thus establishing the most appropriate solutions for a harmonious integration of these communities into national society, respect for the Constitution and the laws of the Republic.»<sup>128</sup>

The current legislation on immigration<sup>129</sup> contains various provisions that confining foreign citizens to a state of lesser protection and jurisdiction than they had enjoyed under the previous legislation. In particular, the regulations that are most strongly opposed by migrants’ support organisations are: 1) the institution of the “stay for work contract” which takes the place of the “residence permit”, with the risk of potentially increasing migrants’ dependence on their employers and therefore leaving them open to blackmail and abuse; 2) the period of detention, in Temporary Detention Centres, of unauthorised migrants has been doubled and it requires that new internment centres be set up, for asylum-seekers, thus possibly encouraging the abuse and violence that take place in such places. As Amnesty International’s report of 2005<sup>130</sup> and various

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<sup>128</sup> The introductory page for the “Italian Islamic Council” is available on the Ministry for Internal Affairs’ website <http://www.interno.it/news/articolo.php?idarticolo=22026> (18.05.2006)

<sup>129</sup> Italy / Law no. 189 of 2002; op. cit.

<sup>130</sup> Amnesty International (2005) *Presenza temporanea, diritti permanenti. Il trattamento dei cittadini stranieri detenuti nei Centri di permanenza temporanea e assistenza (CPTA)*, Rome: Amnesty International, <http://www.amnesty.it> (03.10.2005). See also the Report on the Centre in the province of Lecce, which is the focus of an inquiry by the Magistrate: *Coordinamento dei Fori Sociali Pugliesi*, De Luca, R., Panareo, M.R. (ed.) (2004), *CPT: né qui né altrove. I luoghi della sospensione del diritto*, Lecce: Manni Editore.

UNHCR briefing notes<sup>131</sup>, the conditions to which the detainees are subjected frequently fail to meet international standards for human rights, refugee status and asylum seekers.

### 6. 3. Developments in the area of policing racist violence and crime

With regard to racist violence, the police have introduced – within the last few years – seminars, refresher courses and training for police instructors, a manual and a module, “Multicultural Society and Racism”, as part of the inspectors’ course. This information comes from the manual «A police service for a multicultural society. A manual for the State Police»<sup>132</sup>, put together by a group of experts, including two representatives of ethnic minorities (Roma and Chinese) and two consultants from COSPE, the Italian National Focal Point for Raxen.

The manual was drawn up within the ambit of the transnational European TRANSFER project, chiefly aimed at police officers and the inspectors whose job it is to keep their colleagues up-to-date and fully trained.

The manual contains instances of collaboration between local police stations and third sector associations involved in the fight against the trafficking of human beings, the fight against sexual exploitation and exploitation in the workplace.

In 2003, the Directorate General for police training sent a recommendation to all police headquarters that a module on “human rights and multiculturalism” and “ethical codes of conduct and behaviour” should become part of what they hope will eventually be an yearly refresher course for all police forces”.

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<sup>131</sup> “UNHCR applauds Italy's treatment of boatpeople, but expresses concern over tone of political debate”, <http://www.unhcr.org/cgi-bin/texis/vtx/news/openssl.htm?tbl=NEWS&page=home&id=3c9b60734> (22.03.2002); “Italy returns: still no reply from Italian government on access”, <http://www.unhcr.org/cgi-bin/texis/vtx/news/openssl.htm?tbl=NEWS&page=home&id=416275de16>, (05.10.2004); “UNHCR deeply concerned about Lampedusa deportations of Libyans”, <http://www.unhcr.org/cgi-bin/texis/vtx/news/openssl.htm?tbl=NEWS&page=home&id=423ab71a4>, (18.03.2005); “Italy: UNHCR clarifies its Lampedusa position ahead of EU debate”, <http://www.unhcr.org/cgi-bin/texis/vtx/news/openssl.htm?tbl=NEWS&page=home&id=425f9bc323>, (16.05.06).

<sup>132</sup> Pirazzi M., Johnson P., Di Persio C. (2004), *Il servizio di polizia per una società multiculturale. Un manuale per la Polizia di Stato*, Rome: COSPE and the Ministry for Internal Affairs. The manual was drawn up within the ambit of the transnational European TRANSFER project, with a contribution from the European Commission – DG Employment & Social Affairs.

## 7. The public debate

In Italy, public debate on equality and anti-discrimination issues is closely linked to immigration issues. Although the immigration process has been taking place for almost thirty years, Italy has just begun to tackle issues concerning migrants and refugees. This belated awareness and the constant underestimation of the phenomenon considered by the majority as transitory and passing, prevented immigration from being “taken seriously” for a long period of time and from adopting policies of social integration, protection and extension of certain rights to migrants, refugees and minorities. From this underestimation, Italy has experienced a progressive worsening of the phenomena of discrimination and xenophobia towards migrant citizens: the subjects of the “invasion”, of immigration as a cause of insecurity to Italian citizens, of “clandestinity” as synonymous of criminality contribute to making migrants more exposed to discrimination and racist violence. The “invasion syndrome” characterizing the public debate in Italy is generated by both media and some political parties who try to build consensus by stirring anti-Muslim and in general, anti-immigrant feelings.

A particularly important topic in the public debate during the reference period concerned the conditions of unauthorised migrants and asylum seekers held in Temporary Detention Centres (better known as CPTs in Italian). These centres are provided for by the Consolidated Text on Immigration of 1998 and since their creation, public evidence of racist abuses have emerged and numerous cases of violence against immigrants have been reported. Between 2000 and 2005, public debate on these centres has been particularly lively, also because many NGOs, lawyers and MEPs have denounced unacceptable conditions of detention and frequent acts of violence. In 2005, fourteen Presidents of Regional Councils took up a definite position against these centres, asking the Government to close them down<sup>133</sup>. An event that gave rise to a strong debate in 2005 was an article published in the weekly magazine *L'Espresso* written by a journalist who spent a week in one of the CPTs, claiming to be a refugee from Iraqi Kurdistan. In this article he described the bad structural and hygienic conditions of the centre, the humiliations and the physical and verbal violence inflicted by law enforcement officers on the detainees, in particular those of Islamic religion, providing proof of the treatment undergone by refugees and migrants waiting for repatriation<sup>134</sup>.

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<sup>133</sup> Forum Nazionale Mare Aperto (2005) *Superare i CPT, costruire una nuova politica dell'immigrazione*, Final Act signed by the Presidents of Regional Councils, Bari, 11<sup>th</sup> July 2005.

<sup>134</sup> Gatti, F. (2005) *Io, clandestino a Lampedusa*, in: *L'Espresso*, nr. 40, (13.10.2005), pp. 36-50.

After September 11 2001, attitudes towards Muslims and Islamic communities have changed decisively: fear and mistrust towards Muslims and Islamic religion has continued to grow, according to several surveys, generating hostility towards citizens coming from Arab countries, often endorsed by some politicians. The political debate has become the basis for discrimination towards people of Islamic religion, both Italian or foreign nationals and the escalation of hostile feelings and intolerance against Muslims is partly a result of the repeated campaigns (especially by the Northern League) against mosques and other Muslim religious symbols. During the reference period, in some local contexts, measures have been taken to prevent Muslim women from wearing the *hijab* in public.

Between 2001 and 2005, the Muslim community in Italy have been in the spotlight both in the public opinion and in the media. This increased attention has been ambivalent: many political, religious and academic leaders have, in their public pronouncements, warned that a clear distinction should be made between terrorists and Islam as a religion; at the same, many other opinion leaders, including leading politicians have taken clear anti-Islamic stance in their public pronouncement<sup>135</sup>.

Also leading figures from the media world have contributed to a climate of subtle but increasing Islamophobia. Since September 2001, a well-known writer and journalist published articles and books with explicitly anti-Muslim and anti-migrant contents and a violent and insulting language, leading to a wide debate at national level and fomenting public expression of hate and Islamophobic ideas.

Between 2000 and 2005, a sentence in particular raised a strong debate on discrimination and racist violence issues. In December 2004, a court in the city of Verona sentenced six exponents of the Northern League political party to six months jail term each for incitement to racial hatred, forty-five thousand Euros for moral damages to five members of the local Sinti community and a ban from participating in political campaigns during political and administrative elections for a period of three years. The six had been under prosecution since 2001 after they convened a press conference to launch a campaign to collect signatures of citizens in support of their proposal to send a group of Roma/Sinti away from a camp on the outskirts of the city. The sentence provoked fierce attacks not only against the chief public prosecutor in particular and the judiciary as a whole, but also the criminal law that made the prosecution of the six possible – the so-called *Mancino* law<sup>136</sup>. For the last five years, Northern

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<sup>135</sup> In its second report on Italy, ECRI was “alarmed at the participation in governmental coalitions of political parties whose members have resorted to xenophobic and intolerant propaganda and in this respect expresses its concern at the new coalition formed in Italy in June 2001”. ECRI (2002) *Second report on Italy*, Strasbourg: Council of Europe, par. 73.

<sup>136</sup> Italy / Law No. 205 (25.06.1993).

League party has been trying to abolish this norm which considers instigation to racial hatred a criminal offence, defining it as “undemocratic” and “illiberal”<sup>137</sup>.

Throughout the last years, public debate on religion, religious symbols in schools and the presence of pupils of different faiths stirred much controversy. A case that triggered much public debate in the last few months of 2003, on the subject of displaying religious symbols in school, was the ruling of a district Court judge in L’Aquila, who issued a temporary injunction requiring a public school to remove the crucifix hanging in the classrooms of two pupils from a Muslim family, because its presence was considered in contrast with the principles of secularity of the Italian State and freedom of religion<sup>138</sup>. Although the above ruling was not the first of its kind<sup>139</sup>, the injunction caused great controversy and many political and religious leaders, commentators and intellectuals strongly defended the need to continue displaying the crucifix in classrooms.

While display of religious symbols continued in schools and other public places and no new ruling on the subject was handed down in the period, other controversial public debates came out by some attempts to set up classes for only Muslim pupils and by the presence in different cities of self-organised community-based education centres run by Muslims. A number of centres of this type have come under Islamophobic attacks in recent years and some local administrations, in particular those headed by centre-right coalitions, have on various occasions tried to closed them down, officially on grounds of the inadequacy from a public security point of view, of the buildings where they are located.

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<sup>137</sup> “Le reazioni alla sentenza «È un altro colpo sferrato alla giustizia»”, in *L’Arena*, (03.12.2004).

<sup>138</sup> Italy / Court of Justice of L’Aquila / Ordinance nr. 1383/2003, (22.10.2003).

<sup>139</sup> See Italy / Court of Cassation / Sentence nr. 439 (01.03.2000); Italy / Constitutional Court / Sentence nr. 203 (12.04.1989).

## 8. Conclusions

One of the conclusions that can be drawn from the preceding chapters is that in a period of five years, public awareness of discrimination being a problem for victims as well as for society as a whole, has grown, albeit not in equal measure in the five sectors of public life considered in this report. While the issue remains heavily entangled in discussions on immigration both in public discourse and at a policy level, an increasing number of stakeholders have since started paying specific attention to current manifestations of discrimination on grounds of racial, ethnic or national origin. A number of factors have contributed to this welcome development.

One such factor is EU initiatives on issues of equal treatment and non-discrimination. EU engagement in promoting equal treatment and fighting discrimination has had positive impact on the level of awareness of both civil society and Government and other public institutions. The Community Action Programme to combat discrimination has offered valuable opportunities to NGOs and public and private institutions to learn more about the nature and extent of discrimination in other EU countries and the ways in which the problem has been or is being tackled. Among the measures included in the Action Programme package are the two equal treatment directives. The transposition of the Directives has broadened in various aspects the range of opportunities for victims of discrimination to protect their interests. While the decree that transposed Directive 2000/43/EC can be improved so that it becomes aligned with the former, it has positively influenced commitment by the Government to fight discrimination through the setting up of a national equality body which did not exist previously.

A second factor that has led to greater focus on discrimination has been the growing commitment of many victims to stand up to their rights and face discrimination in the public sphere. It is stated in different parts of the report that there are no systematically collected data over the years from which it can be safely concluded that discriminated either increased or decreased. This notwithstanding, there is ample circumstantial evidence of increased action by victims of discrimination to protect their rights using available legal instruments or simply make known through the media the negative experiences they encounter in society. The number of case laws deriving from the application of anti-discrimination provisions contained in the 1998 Immigration Act testifies to this growing awareness on the part of victims.

As highlighted earlier, knowledge of the problems created by discrimination on grounds of racial or ethnic origin and awareness of the need to fight it is not uniform across different sectors of public life. While many people of the multiple forms of discrimination based on racial or ethnic origin in the housing and employment sectors, the same is not true for other sectors such as education and legislation. This calls for more and better research into these areas in order to

the dynamics of discrimination therein and pave the way for sector-specific policies to tackle it.

Finally, there are two aspects connected to targeted groups that should be underlined here. Firstly, the situation of Roma populations throughout the reference period: discrimination against these groups seems to have remained stable and the progress highlighted above in various sectors does not seem to be valid for these populations. The living conditions have remained extremely bad with very limited alternatives to living in the so-called Roma camps. Throughout the reference period, cases of accidental fire or arson leading to death of children in many cases were recorded in various camps throughout the country. In other words, Roma populations have remained as excluded and marginalised in 2005 as they were five years back and prospects for appreciable improvement in the medium term seem quite bleak. A number of EU initiatives have successfully put the situation of the Roma in the limelight across member States in the last two years and the EUMC's last annual report focusing on the subject constituted a valid contribution in same direction. More EU level commitment is needed in order to overcome lagging political will at national level to fight discrimination against these groups.

The second aspect connected to targeted groups is the issue of Islamophobia. Even without systematically collected data on the extent of the problem, a shared feeling amongst Muslims and many non-Muslims is that it has worsened. As in the case of the Roma, there is need here too for EU targeted policies promote and encourage national governments to acknowledge that European Muslims as part of European culture and not enemies as some tend to construe them.